



**CLARK & ASSOCIATES  
LAND BROKERS, LLC**

Specializing in Farm, Ranch, Recreational & Auction Properties

*Proudly Presents*



***Black Thunder Creek Ranch***

***Newcastle, Weston County, Wyoming***

*The Black Thunder Creek Ranch is a superb, low-overhead grass ranch consisting of 20,333± acres with an extensive variety of wildlife.*

## LOCATION & ACCESS

The Black Thunder Creek Ranch is located approximately 35 miles southwest of Newcastle, Wyoming. There is year-round access from paved Wyoming Highway 450 leading to the private driveway. To access the ranch from Newcastle, travel west on Highway 450 for 32 miles; turn onto the driveway to reach the destination.

Several towns and cities in proximity to the property include:

- |                                 |                     |
|---------------------------------|---------------------|
| • Newcastle, WY (pop 3,532)     | 32 miles northeast  |
| • Upton, WY (pop 1,104)         | 36 miles north      |
| • Wright, WY (pop 1,847)        | 37 miles west       |
| • Douglas, WY (pop 6,423)       | 107 miles southwest |
| • Sundance WY (pop 1,182)       | 45 miles north      |
| • Spearfish, SD (pop 10,494)    | 48 miles northeast  |
| • Deadwood, SD (pop 1,270)      | 54 miles northeast  |
| • Rapid City, SD (pop 67,956)   | 78 miles northeast  |
| • Gillette, WY (pop 31,797)     | 77 miles northwest  |
| • Belle Fourche, SD (pop 5,594) | 85 miles northeast  |





## SIZE & DESCRIPTION

10,571.42± Acres Deeded  
7,802.47± Acres National Grassland Lease  
1,960± Acres State of Wyoming Lease  
**20,333.89± Total Contiguous Acres**

The Black Thunder Creek Ranch is located in the Thunder Basin Grassland approximately 35 miles southwest of Newcastle, Wyoming. This large, low-overhead grass ranch is easily accessible year-round.

The ranch consists of 20,333.89± total contiguous acres of which 10,571.42± acres are deeded along with 1,960± State of Wyoming lease acres and 7,802.47± Thunder Basin National Grassland permit acres. There are approximately 162 acres of dryland hay ground located along Black Thunder Creek.

Historically, the ranch has been used as a year-round cow/calf operation and is owner-rated for an average of 460 pairs plus bulls and ranch horses. Black Thunder Creek passes through the ranch and provides live water throughout the year. Lion Creek and Horse Creek are tributaries to Black Thunder Creek and are seasonal live water sources.

To maximize grazing, there are four submersible wells that provide water to miles of underground pipeline and continue to tire watering tanks throughout the ranch. Windmills along with solar wells also provide additional water for livestock and wildlife. Improvements include three houses, calving barn, Quonset, loafing shed, barn and set of working corrals.

The Black Thunder Creek Ranch offers an extensive variety of wildlife including mule deer whitetail deer, antelope, wild turkeys and several species of small game.

The ranch is fenced with four and five strands of barbed wire with wood and steel posts. It is cross fenced into nine pastures for rotational grazing.

The terrain of the ranch consists of nearly level to rolling grass pastures. Grass cover and mature trees provide excellent habitat for the wildlife and protection for the livestock. The elevation on the property varies between 4,300 and 4,500 feet above sea level.

### LEASE INFORMATION

There are two State of Wyoming leases and one United States Forest Service lease associated with the ranch which, upon approval of the appropriate agency, will transfer to the buyers at closing. State Leases No. GRZ-2-4062 and GRZ-2-5187 consist of approximately 1,960 acres and are allotted a total of 566 AUMs.

State of Wyoming leases are renewable every ten (10) years with an annual payment due each year. The annual payments are assessed per AUM of each lease with the cost per AUM varying year to year as determined by the Office of Lands and Investments for the State of Wyoming. For 2018, the cost per AUM is \$6.38 which equates to approximately \$3,611.08.

For more information, contact the Wyoming Office of State Lands and Investments for further information at (307) 777-7333. The State of Wyoming leases are as follows:

Allotment Name	Allotment Number	Total Acres	Total AUMs	Expiration Date	2018 Costs
Black Thunder Creek	4062	1280	380	2-1-2024	\$2,424.40
Black Thunder Creek	5187	680	186	2-1-2026	\$1,186.68



## FOREST SERVICE PERMITS

The US Forest Service has allotted a total of 7,802.47± acres through a grazing permit with Thunder Basin National Grasslands to the Black Thunder Creek Ranch. The ranch is permitted 2,015 AUMs on National Grassland and Association land. **NOTE:** an Animal Unit Month (AUM) is the amount of forage required by one animal unit (cow/calf pair) for one month.

All grazing permits on the Thunder Basin National Grasslands are administered by the Thunder Basin Grazing Association. Upon submitting an application to transfer the grazing permits, such assignment shall be subject to the approval of the Forest Service, in conjunction with the Thunder Basin Grazing Association. For more information on Forest Service grazing permits, please visit the following website: <http://www.fs.fed.us/rangelands/uses/permits.shtml>.

Forest Service permits are renewable every ten (10) years with an annual payment due each year. The 2019 cost per AUM is \$1.35 which equates to 2,720.25.

Specific information regarding the Forest Service grazing permits on the Black Thunder Creek Ranch is as follows:

Allotment Number	Total Acres	Total AUM's	Expiration Date	2018 Costs
#207 Field	7,802.47	2,015	2022	\$2,720.25

In addition to the annual cost of the permits, annual dues are assessed by the Thunder Basin Grazing Association and, upon transfer of the grazing permits; there is a one-time new member fee of \$15.00. Currently, the annual dues are \$5.00; however, prospective buyers are made aware that there is a possibility of a dues increase to members.

The US Forest Service office for the Thunder Basin National Grassland is located at 2250 East Richards Street in Douglas and phone number is (307) 358-4690. The offices for the Thunder Basin Grazing Association are also in Douglas at 317 Center Street and the phone number is (307) 358-2912.





## WATER RESOURCES

There are seven submersible wells that provide water to over six miles of underground pipeline and continue to tire watering tanks throughout the ranch. Four additional wells with submersible pumps along with five solar wells and a windmill provide additional water for livestock and wildlife

Black Thunder Creek passes through the ranch and provides live water throughout the year. Lion Creek and Horse Creek are tributaries to Black Thunder Creek and are seasonal live water sources.

A complete water search will be conducted and a copy of the findings will be made available to prospective buyers upon request.



## CARRYING CAPACITY / RANCH OPERATIONS

The Black Thunder Creek is owner-rated conservatively at 425-450 cow/calf pairs along with bulls and enough saddle horses to carry out the day-to-day operations of the ranch. Utilizing a liquid protein supplement, the current owners are able to graze the cattle through the winter months with hay supplementation. Calving on the ranch starts around March 1st and the calves are usually shipped around the end of October with weaning weights averaging 520 pounds on the steers and 500 pounds on the heifers. Three livestock markets in proximity to this ranch are Torrington, Worland, and Belle Fourche.

“Carrying capacity can vary due to weather conditions and management practices. Interested parties should conduct their own analysis.”

## REAL ESTATE TAXES

According to the Weston County Assessor's records, the real estate taxes for the Black Thunder Creek Ranch are approximately \$6,367.32 annually.

## MINERAL RIGHTS

Any and all mineral rights associated with the ranch will be retained by the sellers.

## IMPROVEMENTS

Improvements on the Black Thunder Creek Ranch include the following:

### **Main Residence:**

- 2,576 sq. ft. ranch house built in 1963 with walk-out basement, four bedrooms and 2.5 baths
- High ceilings in foyer featuring a stone fireplace
- Living and dining room have walk-out 2<sup>nd</sup> level wood deck to enjoy the vast views









## 2<sup>nd</sup> Residence:

- Located east of main house is a 1,512. ft. manufactured house constructed in 2013 with three bedrooms and two baths





**3<sup>rd</sup> Residence:**

- 1,712 sq. ft. manufactured house constructed in 1994 with four bedrooms and two baths





### **Livestock Improvements:**

- 6,204 sq. ft. calving barn built in 2014
  - Partial concrete floor with drain on northeast corner of barn. Also has a heated room with half bath that could serve as a warming room/vet room
  - Large wood pole barn with 16 ft. sidewalls and five overhead doors
  - 16 ft. ribbed metal sidewalls with translucent upper panels for natural light
  - East side has 14'x12' overhead door and walk-through door
  - West side has walk-through door
  - North and south sides have two sliding doors
- 1,989 sq. ft. Quonset built in 1960
  - Concrete floor with walk-through door and sliding door on north side
  - Spray-in insulation and wood stove for heat
- Corrals
  - 3,160 linear ft. with water tanks and windbreaks
  - Good working condition
- 992 sq. ft. barn built in 1957
  - Concrete floor and electricity with 12 ft. sidewalls and includes some stall separations, tack room, and a loft
- Three older bunkhouses built in the 1940s and an old hanger in fair condition that is located east of the improvements





### UTILITIES

Electricity – Powder River Energy  
Gas/Propane – Propane  
Communications – RT Communications  
Water – Private Well  
Sewer – Septic  
Television – Satellite TV

### RECREATION & WILDLIFE

There is an extensive variety of wildlife including mule deer whitetail deer, antelope, wild turkeys and several species of small game frequent the Black Thunder Creek Ranch. The topography and vegetation found on the property and in the surrounding area provide excellent habitat for the wildlife. The creek provides an ideal environment for a variety of fish to include catfish, bullheads, and sunfish. Black Thunder Creek Ranch was booked for hunters for the 2018 hunting season for deer and antelope.

Adventure can be discovered throughout the area and within a short drive to The Black Hills National Forest, which encompasses 1.1 million acres consists of spectacular terrain and an abundance of wildlife. Outdoor activities include camping, hiking, mountain biking, horseback riding, rock climbing, fishing, and snowmobiling as well as skiing at the Terry Peak Ski Area and Mystic Mountain Ski Areas. Several well-known area attractions are close to the ranch and include The Black Hills, Mount Rushmore, Deadwood, Wind Cave National Park, and the Crazy Horse Monument



## COMMUNITY AMENITIES

### **NEWCASTLE:**

Newcastle, Wyoming offers all the desirable amenities of a traditional rural Wyoming city with its small-town friendliness and atmosphere. Newcastle has an excellent K-12 school system, with a low student-to-teacher ratio; several banks, churches and restaurants; county library; 9-hole golf course; weekly newspaper; veterinary clinics; airport; medical clinics; as well as an excellent medical facility, Newcastle Regional Medical Clinic. The major industries include ranching, agriculture, coal mining, natural gas, and railroads.

From the website, <http://www.newcastlewyo.com/>: Newcastle is a great place for your business, home or vacation. Newcastle is an ideal business location. US Highways 16 & 85 intersect at Newcastle and the Burlington Northern Santa Fe Railroad has a rail yard with 2 rail lines through Newcastle. No matter what direction you take from Newcastle, you embark on a drive through time marked by spectacular views, gorgeous scenery and plentiful wildlife. Our location is unique, representing the best of two worlds. The shortgrass prairie of the High Plains and the Black Hills attractions are an easy drive. From here you can lunch on the Canyon Springs Prairie near Custer's 1874 Black Hills route, drive the Cheyenne – Deadwood Stage Trail, or tour the shortgrass prairie's open and unending spaciousness – its sagebrush, ranches, tumbleweeds, antelope, prairie dogs, bird and more – echoing the past under unbelievably clear blue skies.

### **WRIGHT:**

The town itself remains a safe, tight-knit community with outstanding schools, and various recreational opportunities. Numerous professional and blue-collar jobs are available near the Town of Wright, throughout the county and region. Wright is located in the southern end of the Powder River Basin surrounded by mining of coal and uranium as well as oil and gas development. Great opportunities exist in the minerals extraction. Two of North America's largest open pit coal mines. Black Thunder Mine and North Antelope Rochelle Mine, located with 25 miles of Wright are the largest employers in the area. Oil and gas field operations and uranium mining services also offer ample options for employment. As part of Campbell County, Wright and the surrounding area provide many residents with a solid income. Information found at Wright Chamber of Commerce <http://wrightwyoming.com/index.aspx>

### **UPTON:**

Upton, Wyoming is known as the Best Town on Earth. It offers all the necessary day to day amenities for small town living. Upton has a population of approximately 1,100 people and is located at the junction of Highway 16 and 116 on Wyoming's Scenic By-Way.

Upton has plenty of recreation to offer for the locals or travelers alike. There is fun for the whole family, from the City Park for your littles to Cedar Pines Golf Course for the whole family. Visit historic Old Town or practice your sharp shooting at the gun range. At a minimum stop by and try one of the several eateries Upton has to offer. For more information on Upton, Wyoming visit <http://www.townofupton.com>.

**DOUGLAS:**

Douglas, with a population of approximately 6,000 residents, offers a variety of modern amenities and conveniences including easy access to one of the Top 100 Critical Access Hospitals in the United States - Memorial Hospital of Converse County. Education facilities include elementary, junior high and high schools as well as a two-year college, Eastern Wyoming College. Located on I-25 and on the banks of the North Platte River, Douglas is home to the Wyoming State Fair and offers several other recreational activities throughout the year. Just minutes from the Medicine Bow National Forest, Douglas offers everything you would expect from small town Wyoming with all the modern conveniences of the larger towns including banks, medical clinics, professional services, hotels, fast food and shopping. For more information on Douglas visit [www.cityofdouglas.org](http://www.cityofdouglas.org).

The Converse County Airport is located three miles north of Douglas and has two asphalt runways. Runway 11/29 is 6,532' x 100' and Runway 5/23 is 4,760' x 75'. Additional information is available at <http://www.flyskyway.com/DGW/DGWAirportGuide.htm>.

**Rapid City, South Dakota**

Rapid City, the county seat for Pennington County, is the second largest city in the state of South Dakota and is located on the eastern side of the Black Hills. Thousands of visitors travel here every year to visit the many attractions, national parks and monuments found throughout the area. Rapid City is the home of Ellsworth Air Force Base which is northeast of the city. The city is also home to many colleges and technical schools, is a major medical care center for a five-state region, and has many cultural resources usually found only in much larger urban areas. For more information, please visit [www.rapidcitychamber.com](http://www.rapidcitychamber.com).





## AIRPORT INFORMATION

### WYOMING

**Newcastle, Wyoming:** Mondell Field Airport is located five miles northwest of Newcastle adjacent to US Highway 16. The airport's main runway, 13/31, is a 75' x 5,300' concrete runway with pilot-controlled lighting. A fixed-base operation, Mondell Airport has an air taxi facility with fuel and private hangars available. For more information, please visit the following website: <http://www.airnav.com/airport/KECS>

**Gillette, Wyoming:** The Campbell County Airport has daily commercial flights operated by Delta, Great Lakes, and United Airlines. The website for the Campbell County Airport is <http://iflygillette.com/> and for complete aeronautical information, please visit <http://www.airnav.com/airport/KGCC>.

**Casper, Wyoming:** Delta and United provide daily air service with connections to Denver, and Salt Lake City, Utah, while Allegiant provides service to Las Vegas, Nevada from the Natrona County International Airport. This airport also has charter flights and rental cars available. For more information, please visit <http://iflycasper.com>. Complete aeronautical information can be found at <http://www.airnav.com/airport/CPR>.

### SOUTH DAKOTA:

**Rapid City, South Dakota:** The Rapid City Regional Airport is located eight miles southeast of the Rapid City, South Dakota. This is a commercial airport offering daily flights from Allegiant Air, American, Delta, and United. For specific information about the airport, flight schedules, amenities as well as relevant links about Rapid City and the surrounding area, visit <http://www.rcgov.org/Airport/pages>.

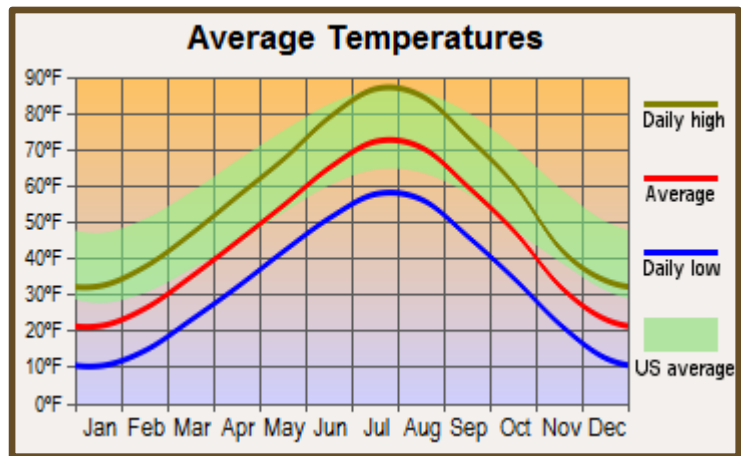
### COLORADO

**Denver, Colorado:** Denver International Airport is open 24-hours-a-day, seven days a week and is served by most major airlines and select charters, providing nonstop daily service to more than 130 national and international destinations. For more information, visit the official website for Denver International Airport at [www.flydenver.com](http://www.flydenver.com).



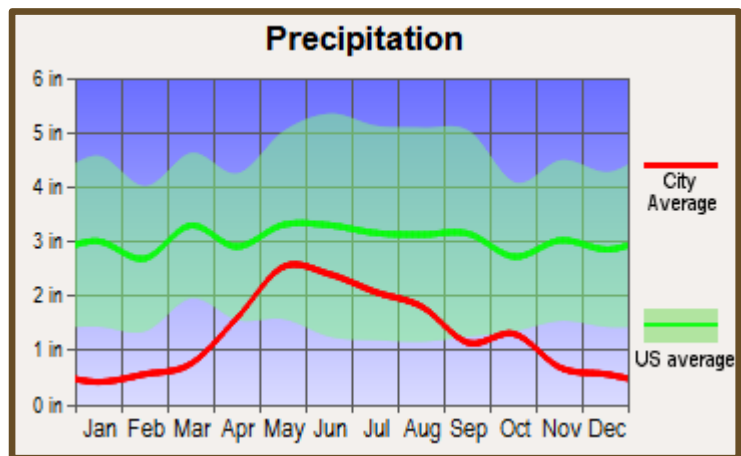
## CLIMATE

According to the High Plains Regional Climate Center at the University of Nebraska, the average annual precipitation for the Newcastle, Wyoming area is approximately 16.44 inches including 39.6 inches of snowfall. The average high temperature in January is 36 degrees, while the low is 13 degrees. The average high temperature in July is 89 degrees, while the low is 59 degrees. The charts to the right are courtesy of [www.city-data.com](http://www.city-data.com).



## STATE OF WYOMING

Wyoming is a state that offers an incredible diversity of activities, geography, climate, and history. Just a territory in 1869, Wyoming became the 44th state in 1890. The state's population is 563,626, and provides a variety of opportunities and advantages for persons wishing to establish residency.



Wyoming's energy costs are the second lowest in the nation, and the cost of living index is below the national average. Wyoming ranks among the top 10 in the entire United States for educational performance. There is no state income tax, and Wyoming offers an extremely favorable tax climate:

- No personal income tax
- Low property tax
- Favorable inheritance tax
- Favorable unemployment tax
- Low retail sales tax
- No corporate income tax
- No gross receipts tax
- No inventory tax

According to Michael B. Sauter, Alexander E. M. Hess, Samuel Weigley, and Ashley C. Allen of 24/7 Wall Street, Wyoming is a model of good management and a prospering population. The state is particularly efficient at managing its debt, owing the equivalent of just 20.4% of annual revenue in fiscal 2010. Wyoming also has a tax structure that, according to the Tax Foundation, is the nation's most-favorable for businesses – it does not have any corporate income taxes. The state has experienced an energy boom in recent years. As of last year, Wyoming's poverty, home foreclosure, and unemployment rates were all among the lowest in the nation.



## OFFERING PRICE

**\$5,500,000**

Acceptable terms for purchasing this property include, but are not limited to cash at closing, new loan, or 1031 tax exchange. No portion of the purchase transaction will be financed by the seller. The Seller reserves the right to effectuate a tax-deferred real estate exchange for all or part of the sales price, pursuant to Section 1031 of the Internal Revenue Code and the Treasury Regulations promulgated there under with no liability or expense to be incurred by the Buyer (in connection with the Seller's tax-deferred exchange).



## CONDITIONS OF SALE

- I. All offers shall be:
  - A. in writing;
  - B. accompanied by an earnest money deposit check in the minimum amount of \$165,000 (One Hundred Sixty-Five Thousand Dollars); and
  - C. be accompanied with the name, telephone number, and address of the Buyer's personal banker in order to determine financial capability to consummate a purchase.
- II. All earnest money deposits will be deposited in the title company/closing agent's trust account.
- III. The Seller shall provide and pay for an owner's title insurance policy in full satisfaction of the negotiated purchase price.
- IV. Both Buyer and Seller shall be responsible for their own attorney fees.

## FENCES AND BOUNDARY LINES

The seller is making known to all potential purchasers that there may be variations between the deeded property lines and the location of the existing fence boundary lines on the subject property. Seller makes no warranties with regard to location of the fence lines in relationship to the deeded property lines, nor does the seller make any warranties or representations with regard to specific acreage within the fenced property lines. Seller is selling the property in an "as is" condition which includes the location of the fences as they exist.

Boundaries shown on accompanying maps are approximate based on the legal description and may not indicate a survey. Maps are not to scale and are for visual aid only. Their accuracy is not guaranteed.



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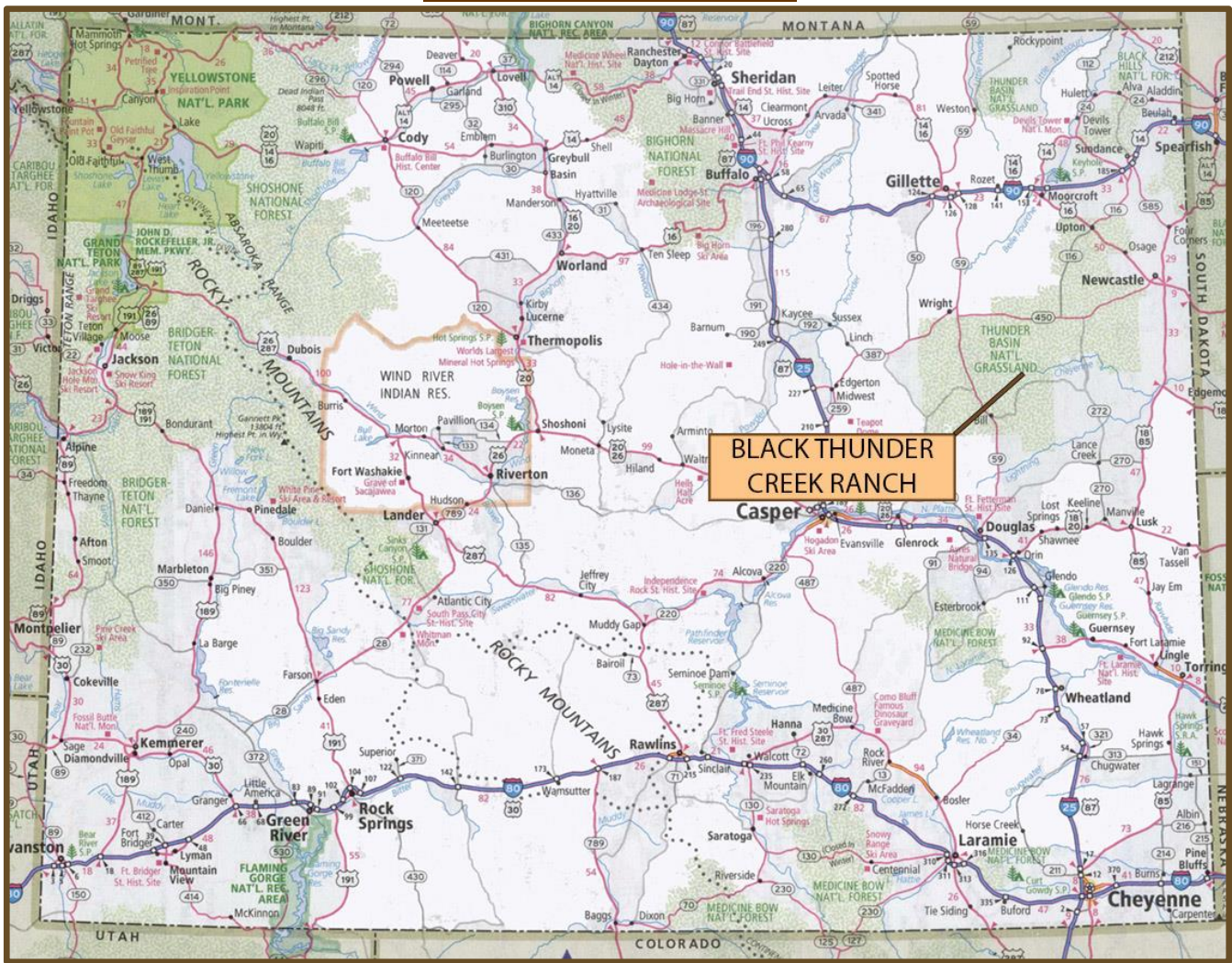
Clark & Associates Land Brokers, LLC is pleased to have been selected as the Exclusive Agent for the Seller of this outstanding offering. All information has been obtained from sources deemed reliable by Clark & Associates Land Brokers, LLC; however, the accuracy of this information is not guaranteed or warranted by either Clark & Associates Land Brokers, LLC, or the Sellers, and prospective buyers are charged with making and are expected to conduct their own independent investigation of the information contained herein. This offering is subject to prior sale, price change, correction or withdrawal without notice.

**Notice to Buyers:** Wyoming Real Estate Law requires that the listing Broker and all licensees with the listing Broker make a full disclosure, in all real estate transactions, of whom they are agents and represent in that transaction. All prospective buyers must read, review and sign a Real Estate Brokerage Disclosure form prior to any showings. **Clark & Associates Land Brokers, LLC with its sales staff is an agent of the seller in this listing.**

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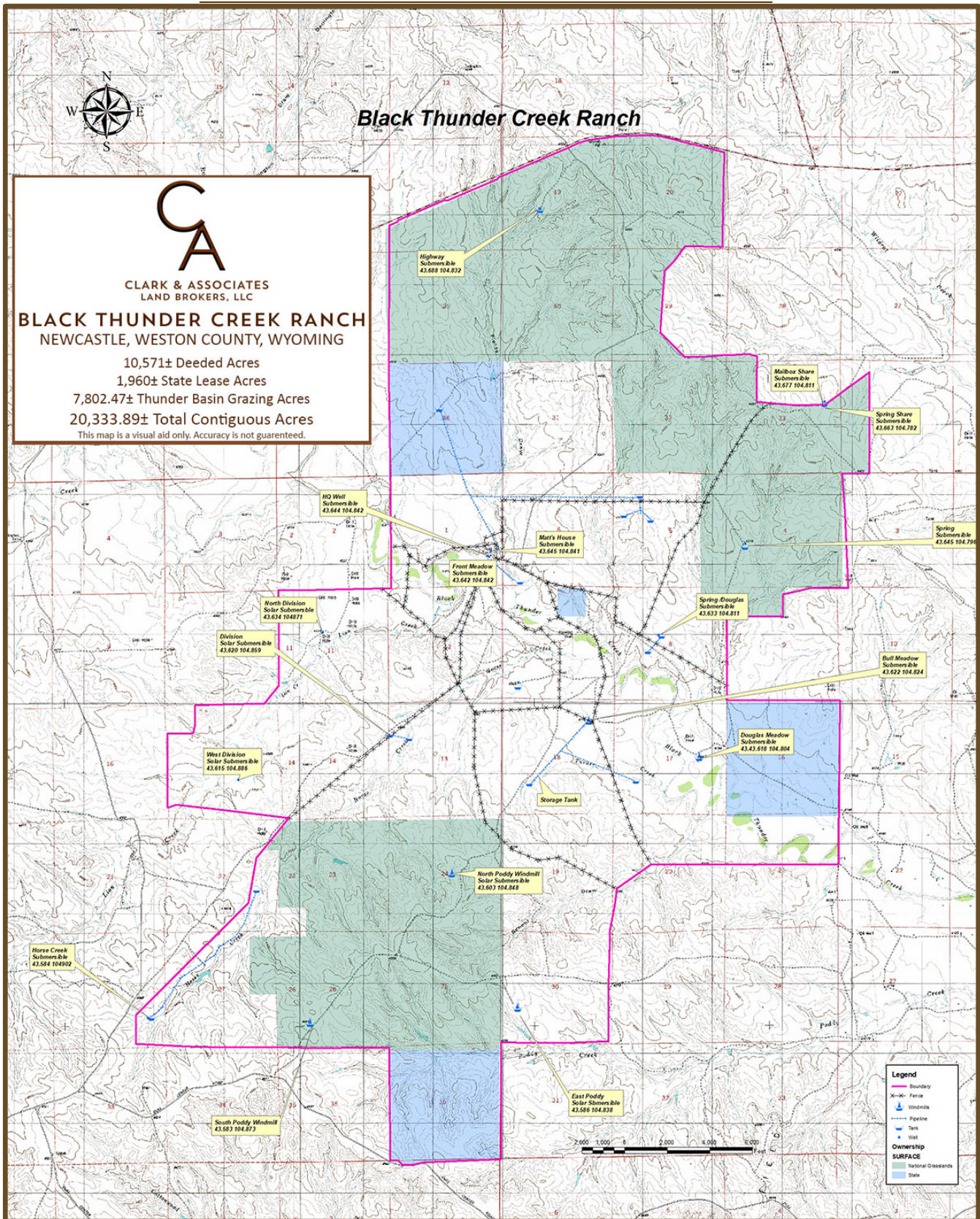
## STATE LOCATION MAP



## NOTES

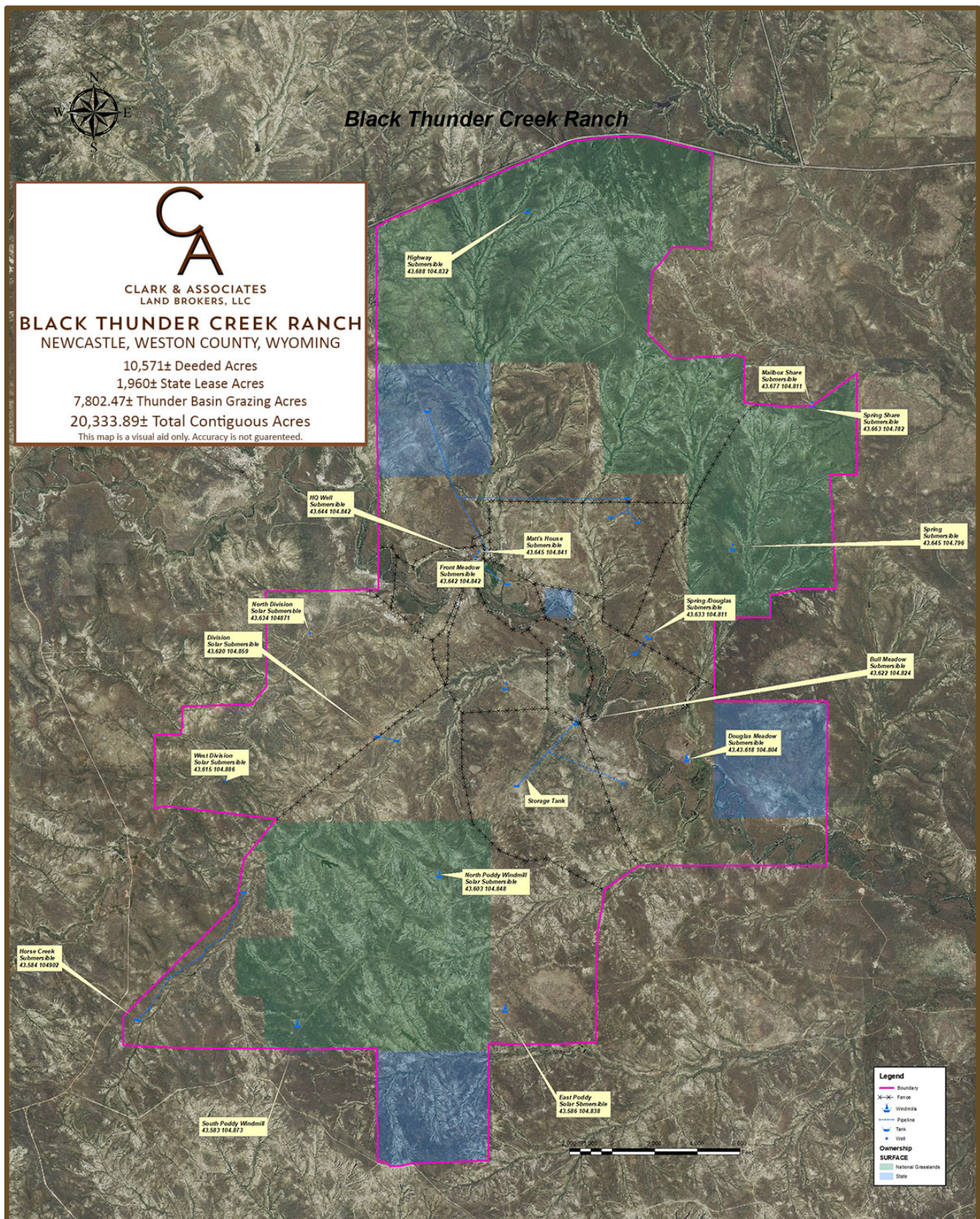


# BLACK THUNDER CREEK RANCH TOPO MAP





# BLACK THUNDER CREEK RANCH ORTHO MAP





## JR Barnes Consulting, LLC

502 Dayshia Lane  
Cheyenne, WY 82007  
307-630-8982  
[dtmjohn@bresnan.net](mailto:dtmjohn@bresnan.net)

June 23, 2019

Mr. Cory Clark  
Clark & Associates Land Brokers  
PO Box 47  
Lusk, WY 82225

Re: Water Rights Search: Black Thunder Creek Ranch (See attached legal description)

Dear Mr. Clark,

A search of the State Engineer's Office e-permit system was conducted and the records were checked against the original records in the State Engineer's Office for the attached land description. The following are the water rights were found in the records for the attached land description:

## SURFACE WATER

### Permit No. 10537D

Marguerite Lateral & Ditch, Priority Date: March 2, 1911. Certificate Record No. 41, Page 509, Order Record No. 5, Page 698, Proof No. 16617. Source: Marguerite Reservoir (Permit No. 2096R) and Dry Gulch, trib Black Thunder Creek, trib South Fork Cheyenne River. This is secondary supply and original supply irrigation for the following lands:

#### T42N, R66W

Section 8	SWSE	5.50 acres
Section 17	NWNE	15.80 acres
	SWNE	34.50 acres
	SENE	4.30 acres



NENW	9.45 acres	
SENW	8.87 acres	
NESE	6.30 acres	
<u>NWSE</u>	<u>12.13 acres</u>	
TOTAL	96.85 acres	(1.38 cfs plus 50.7 ac-ft)

**Permit No. 14085D**

Irma Ditch, Priority Date: May 8, 1916. Certificate Record No. 41, Page 510, Order Record No. 5, Page 698, Proof No. 16618. Source: Turner Creek, trib Black Thunder Creek, trib South Fork Cheyenne River. This is original supply irrigation for the following lands:

T42N, R66W

Section 17	SENW	2.00 acres	
	NESW	17.00 acres	
	<u>NWSE</u>	<u>6.00 acres</u>	
	TOTAL	25.00 acres	(0.36 cfs)

**Permit No. 14086D**

Thunder Ditch, Priority Date: May 8, 1916. Certificate Record No. 41, Page 511, Order Record No. 5, Page 698, Proof No. 16619. Source: Black Thunder Creek, trib South Fork Cheyenne River. This is supplemental supply irrigation (See Permit No. 3600E) for the following lands:

T42N, R66W

Section 17	SENE	0.50 acres	
	NESW	1.00 acres	
	SESW	5.00 acres	

NESE	18.00 acres
NWSE	11.00 acres
SWSE	17.00 acres
<u>SESE</u>	<u>15.00 acres</u>
TOTAL	67.50 acres

**Permit No. 14087D**

Marguerite Ditch, Priority Date: May 8, 1916. Certificate Record No. 41, Page 513, Order Record No. 5, Page 698, Proof No. 16621. Source: Dry Gulch, trib Black Thunder Creek, trib South Fork Cheyenne River. This is supplemental supply irrigation (see Permit No. 10537) for the following lands:

T42N, R66W

Section 17	NENW	9.45 acres
	SENE	8.87 acres
	NESE	6.30 acres
	<u>NWSE</u>	<u>12.13 acres</u>
	TOTAL	36.75 acres

Certificate Record No. 41, Page 514, Order Record No. 5, Page 698, Proof No. 16622. This is for supplemental supply for lands under Permit No. 10537.

T42N, R66W

Section 8	SWSE	5.50 acres
Section 17	NWNE	15.80 acres
	SWNE	34.50 acres
	<u>SENE</u>	<u>4.30 acres</u>
	TOTAL	60.1 acres



**Permit No. 14507D EXPIRED**

North Ditch, Priority Date: November 28, 1916. Source: Horse Creek, trib Black Thunder Creek, trib South Fork Cheyenne River. This permit is for original supply irrigation for 125 acres in Sections 7, T42N, R66W. This permit expired in 1922. If water has been continuously used since 1922, this permit may be reinstated. Otherwise, cancellation of the permit should be pursued.

**Permit No. 14509D**

Plummer Ditch, Priority Date: November 28, 1916. Certificate Record No. 42, Page 272, Order Record No. 6, Page 41, Proof No. 17111. Source: Horse Creek, trib Black Thunder Creek, trib South Fork Cheyenne River. This is original supply irrigation for the following lands:

T42N, R66W

Section 7	NESE	25.00 acres	
	<u>SESE</u>	<u>35.00 acres</u>	
	TOTAL	60.00 acres	(0.86 cfs)

Certificate Record No. 42, Page 273, Order Record No. 6, Page 41. Proof No. 17112. This is for original supply irrigation for the following lands:

T42N, R66W

Section 7	NWSE	4.00 acres	
	SWSE	12.00 acres	
Section 18	NENE	14.00 acres	
	<u>NWNE</u>	<u>5.00 acres</u>	
	TOTAL	35.00 acres	(0.50 cfs)

**Permit No. 17272D EXPIRED**

Coy Irrigation Canal, Priority Date: June 16, 1927. Source: Dry Draw, trib Black Thunder Creek, trib South Fork Cheyenne River. This permit is for original supply irrigation for 43.65 acres in Sections 24 & 25, T43N, R67W. This permit expired in 1930. If water has been continuously used since 1930, this permit may be reinstated. Otherwise, cancellation of the permit should be pursued.

**Permit No. 18363D**

Field Ditch, Priority Date: February 26, 1934. Certificate Record No. 52, Page 192, Order Record No. 9, Page 318, Proof No. 21464. Source: Black Thunder Creek, trib South Fork Cheyenne River. This is original supply irrigation for the following lands:

T42N, R67W

Section 1	NWSW	5.00 acres	
	SWSW	11.00 acres	
	SESW	8.00 acres	
Section 2	SENE	3.00 acres	
	NESE	19.00 acres	
Section 12	<u>NENW</u>	<u>13.00 acres</u>	
	TOTAL	59.00 acres	(0.84 cfs)

**Permit No. 18435D**

Douglas Ditch, Priority Date: September 11, 1933. Certificate Record No. 52, Page 191, Order Record No. 9, Page 518, Proof No. 21463. Source: Black Thunder Creek, trib South Fork Cheyenne River. This is original supply irrigation for the following lands:

T42N, R66W

Section 17	<u>SENE</u>	<u>3.55 acres</u>	
	TOTAL	3.55 acres	(0.05 cfs)

And supplemental supply irrigation (see Permit Nos. 10537D, 3600E, 14087D) for the following lands:

T42N, R66W

Section 17	SWNE	20.40 acres	
	SENE	7.30 acres	
	NESE	6.30 acres	
	<u>NWSE</u>	<u>2.16 acres</u>	
	TOTAL	36.16 acres	



**Permit No. 3600E**

Enl. Marguerite Ditch, Priority Date: May 8, 1916. Certificate Record No. 41, Page 512, Order Record No. 5, Page 698, Proof No. 16620. Source: Dry Gulch, trib Black Thunder Creek, trib South Fork Cheyenne River. This is Original supply irrigation for the following lands:

**T42N, R66W**

Section 17	SENE	3.00 acres	
	NESW	1.00 acres	
	NESE	18.00 acres	
	NWSE	11.00 acres	
	SWSE	17.00 acres	
	<u>SESE</u>	<u>15.00 acres</u>	
	TOTAL	70.00 acres	(1.00 cfs)

**Permit No. 3455S**

Poddy Stock Reservoir, Priority Date: Apr 26, 1961. Certificate Record No. R-3, Page 83, Order Record No. 15, Page 232, Proof No. 27120. Source: Poddie Draw, trib Black Thunder Creek, trib South Fork Cheyenne River. This permit is for stock watering in the amount of 9.59 acre-feet at the following location:

**T40N, R67W**

Section 25                      SESW

**Permit No. 2096R**

Marguerite Reservoir, Priority Date: Mar 2, 1911. Certificate Record No. 41, Page 508, Order Record No. 5, Page 698, Proof No. 16616. Source: Dry Gulch, trib Black Thunder Creek, trib South Fork Cheyenne River. This permit is for secondary supply watering in the amount of 50.7 ac-ft acre-feet:

See Permit No. 10537 for lands to be irrigated.

**Permit No. 3384R**

Plummer Reservoir, Priority Date: Nov 28, 1916. Certificate Record No. 42, Page 271, Order Record No. 6, Page 41, Proof No. 17110. Source: Horse Creek, trib Black Thunder Creek, trib South Fork Cheyenne River. This permit is for stock and domestic use in the amount of 20.00 acre-feet at the following location:

T40N, R66W

Section 7                      NWSE

**Permit No. 6424R**

Field Reservoir, Priority Date: May 9, 1957. Certificate Record No. R-2, Page 454, Order Record No. 15, Page 91, Proof No. 26838. Source: Field Draw, trib Black Thunder Creek, trib South Fork Cheyenne River. This permit is for stock use in the amount of 61.20 acre-feet at the following location:

T43N, R67W

Section 25                      E½SE

**Permit No. 6913R**

Field #F.S. 9-207-4 Reservoir, Priority Date: May 6, 1966. Certificate Record No. R-9, Page 346, Order Record No. 28, Page 431, Proof No. 33295. Source: Burney Draw, trib Horse Creek, trib Black Thunder Creek, trib South Fork Cheyenne River. This permit is for stock use in the amount of 21.52 acre-feet at the following location:

T42N, R67W

Section 23                      SENW

## **GROUNDWATER**

**Permit No. UW 8993**

Field # T.B. 124 Well, Priority Date: Jul 11, 1967. Source: Groundwater. This permit is for stock use at 4 gallons per minute (gpm) at the following location:

T43N, R66W

Section 33                      SENE



**Permit No. UW 67537**

Field # T.B. 131 Well, Priority Date: Jun 7, 1984. Source: Groundwater. This permit is for stock use at 4 gallons per minute (gpm) at the following location:

T43N, R66W

Section 19      NWSE

**Permit No. UW 67540**

Field # T.B. 145 Well, Priority Date: Jun 7, 1984. Source: Groundwater. This permit is for stock use at 4 gallons per minute (gpm) at the following location:

T42N, R67W

Section 26      SWSW

**Permit No. UW 67541**

Field # T.B. 162 Well, Priority Date: Jun 7, 1984. Source: Groundwater. This permit is for stock use at 4 gallons per minute (gpm) at the following location:

T42N, R66W

Section 4      NWSW

**Permit No. UW 158993**

Spur #1 Well, Priority Date: May 17, 2004. Source: Groundwater. This permit is for miscellaneous (5 stock tanks) use at 20 gallons per minute (gpm) and 6 ac-ft annually at the following location:

T42N, R67W

Section 1      NESE

T43N, R67W

Section 36      SENW

T42N, R66W

Section 5      NWNW (Lot 4)  
                 SWNW  
                 SENW

**Permit No. UW 160785**

Bull #1 Well, Priority Date: May 17, 2004. Source: Groundwater. This permit is for miscellaneous (3 stock tanks) use at 8 gallons per minute (gpm) and 4 ac-ft annually at the following location:

T42N, R66W

Section 18     NENE  
                    NWSW

Section 17     NWSW

**Permit No. UW 160786**

West Division #1 Well, Priority Date: May 17, 2004. Source: Groundwater. This permit is for stock use at 6 gallons per minute (gpm) and 250,000 gallons annually at the following location:

T42N, R67W

Section 15     NESE

**Permit No. UW 160787**

North Division #1 Well, Priority Date: May 17, 2004. Source: Groundwater. This permit is for stock use at 15 gallons per minute (gpm) and 400,000 gallons annually at the following location:

T42N, R67W

Section 11     SENW

**Permit No. UW 160788**

Douglas #1 Well, Priority Date: May 17, 2004. Source: Groundwater. This permit is for stock use at 15 gallons per minute (gpm) and 350,000 gallons annually at the following location:

T42N, R66W

Section 8       SENW  
                    NESW



**Permit No. UW 168090**

Field Well, Priority Date: May 31, 2005. Source: Groundwater. This permit is for stock use at 3 gallons per minute (gpm) and 325,000 gallons annually at the following location:

T42N, R67W

Section 24 SWNE (2 tanks)

**Permit No. UW 178377**

South State #1 Well, Priority Date: Feb 13, 2006. Source: Groundwater. This permit is for stock use at 6 gallons per minute (gpm) and 400,000 gallons annually at the following location:

T42N, R67W

Section 36 NESW

**Permit No. UW 178684**

Stroh TB-111 B Well, Priority Date: Nov 29, 2006. Source: Groundwater. This permit is for stock use at 6 gallons per minute (gpm) and 810,000 gallons annually at the following location:

T43N, R66W

Section 29 SENW (2 tanks)

**Permit No. UW 199334**

Spur 2 Well, Priority Date: Oct 27, 2012. Source: Groundwater. Certificate Record No. UW22, Page 51, Order Record No. 94, Page 235, Proof No. UW7231. This permit is for domestic & miscellaneous use at 15 gallons per minute (gpm) at the following location:

T42N, R67W

Section 1 NESE (2 houses & 1 tank)

T42N, R66W

Section 5 NWNW (1 tank)  
SWNW (1 tank)  
SENW (1 tank)

T43N, R67W

Section 36 SENW (1 tank)

**Permit No. UW 199693**

Spur 3 Well, Priority Date: Nov 28, 2012. Source: Groundwater. Certificate Record No. UW22, Page 53, Order Record No. 94, Page 325, Proof No. UW7233. This permit is for domestic & miscellaneous use at 15 gallons per minute (gpm) at the following location:

T42N, R67W

Section 1      NESE (2 houses & 1 tank)

T42N, R66W

Section 5      NWNW (1 tank)  
                    SWNW (1 tank)  
                    SENW (1 tank)

T43N, R67W

Section 36      SENW (1 tank)

**Permit No. UW 203752**

East Poddy Well, Priority Date: Apr 3, 2015. Source: Groundwater. This permit is for stock use at 6 gallons per minute (gpm) and 6 ac-ft annually at the following location:

T42N, R66W

Section 30      NWSW (Lot 3) (2 tanks)

**Permit No. UW 204225**

Enl Spur 2 Well, Priority Date: Jul 1, 2015. Source: Groundwater. Certificate Record No. UW22, Page 52, Order Record No. 94, Page 325, Proof No. UW7232. This permit is for miscellaneous use at 0 gallons per minute (gpm) at the following location:

T42N, R66W

Section 6      SENW (1 tank) To add an additional point of use.

**Permit No. UW 204226**

Enl Spur 3 Well, Priority Date: Jul 1, 2015. Source: Groundwater. Certificate Record No. UW22, Page 54, Order Record No. 94, Page 325, Proof No. UW7234. This permit is for miscellaneous use at 0 gallons per minute (gpm) at the following location:



T42N, R66W

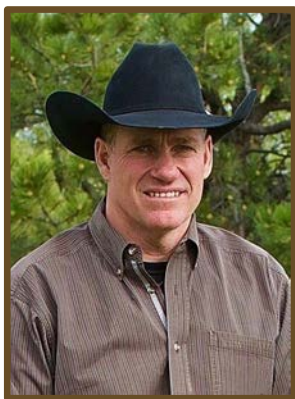
Section 6      SENW (1 tank) To add an additional point of use.

These are records found in the State Engineer's Office and Board of Control records as of June 19, 2019, and may or may not reflect the actual situation on the ground. Failure to use water for five (5) consecutive years when water is available may constitute grounds for forfeiture of the water right.

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John R. Barnes, President  
J R Barnes Consulting, LLC

For additional information or to schedule a showing, please contact:



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**Clark & Associates Land Brokers, LLC**  
Specializing in Farm, Ranch, Recreational & Auction Properties

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Buffalo, WY 82834

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Billings, MT 59105

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Belle Fourche, SD 57717

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Torrington, WY 82240

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## IMPORTANT NOTICE

### **Clark & Associates Land Brokers, LLC** (Name of Brokerage Company)

#### **REAL ESTATE BROKERAGE DISCLOSURE**

When you select a Real Estate Broker Firm, Broker or sales person (all referred to as "Broker") to assist you in a real estate transaction, the Broker may do so in one of several capacities. In accordance with Wyoming's Brokerage Relationships Act, this notice discloses the types of working relationships that are available to you.

#### **Seller's Agent.** (Requires written agreement with Seller)

If a Seller signs a written listing agreement with a Broker and engages the Broker as a Seller's agent, the Broker represents the Seller. On properties listed with other brokerage companies, the Broker may work as an agent for the Seller if the Seller agrees to have the Broker work as a subagent. As an agent or subagent for the Seller, the Broker represents the Seller and owes the Seller a duty of utmost good faith, loyalty, and fidelity in addition to the **obligations** enumerated below for Intermediaries. Wyo. Stat. § 33-28-303(a). The Seller may be vicariously liable for the acts of the Seller's Agent or Seller's subagent that are approved, directed or ratified by the Seller.

#### **Customer.** (No written agreement with Buyer)

A customer is a party to a real estate transaction who has established no intermediary or agency relationship with any Broker in that transaction. A Broker may work as an agent for the Seller treating the Buyer as a customer or as an agent for the Buyer treating the Seller as a customer. Also when a Buyer or Seller is represented by another Broker, a Broker may work with the other Buyer or Seller as a customer, having no written agreement, agency or intermediary relationship with either party. A Broker working with a customer shall owe no duty of confidentiality to a customer. Any information shared with Broker may be shared with the other party to the transaction at customer's risk. The customer should not tell the Broker any information which the customer does not want shared with the other party to the transaction. The customer should not tell the Broker any information which the customer does not want shared with the other party to the transaction. The Broker must treat the customer honestly and with fairness disclosing all material matters actually known by the Broker. The Broker owes the customer the **obligations** enumerated below for Intermediaries which are marked with asterisks. W.S. § 33-28-310(a).

#### **Buyer's Agent.** (Requires written agreement with Buyer)

If a Buyer signs a written Buyer Agency Agreement with a Broker, the Broker will act as an agent for the Buyer. If so, the Broker represents the Buyer and owes the Buyer a duty of utmost good faith, loyalty and fidelity in addition to the **obligations** enumerated below for Intermediaries. The Buyer may be vicariously liable for the acts of the Buyer's Agent that are approved, directed or ratified by the Buyer. As a Buyer's Agent, Wyoming law requires the Broker to disclose to potential Sellers all adverse material facts, which may include material facts regarding the Buyer's financial ability to perform the terms of the transaction. Wyo. Stat. § 33-28-304(c). As a Buyer's Agent, the Broker has duties to disclose to the Buyer certain information; therefore, the Seller should not tell the Broker any information which the Seller does not want shared with the Buyer.

#### **Intermediary.** (Requires written agreement with Seller and/or Buyer)

The Intermediary relationship is a non-agency relationship which may be established between a Broker and a Seller and/or a Broker and a Buyer. A Seller may choose to engage a Broker as an Intermediary when listing a property. A Buyer may also choose to engage a Broker as an Intermediary. An Intermediary shall not act as an agent or advocate for any party and shall be limited to providing those services set forth below. Wyo. Stat. § 33-28-305.

As an Intermediary (Non-Agent), Broker will not represent you or act as your agent. The parties to a transaction are not legally responsible for the actions of an Intermediary and an Intermediary does not owe the parties the duties of an agent, including the fiduciary duties of loyalty and fidelity. Broker will have the following **obligations** to you:

- perform the terms of any written agreement made by the Intermediary with any party or parties to the transaction;
- exercise reasonable skill and care;\*

- advise the parties to obtain expert advice as to material matters about which the Intermediary knows but the specifics of which are beyond the expertise of the Intermediary;\*
- present all offers and counteroffers in a timely manner;\*
- account promptly for all money and property the Broker received;\*
- keep you fully informed regarding the transaction;\*
- obtain the written consent of the parties before assisting the Buyer and Seller in the same real estate transaction as an Intermediary to both parties to the transaction;
- assist in complying with the terms and conditions of any contract and with the closing of the transaction;\*
- disclose to the parties any interests the Intermediary may have which are adverse to the interest of either party;
- disclose to prospective Buyers, known adverse material facts about the property;\*
- disclose to prospective Sellers, any known adverse material facts, including adverse material facts pertaining to the Buyer's financial ability to perform the terms of the transaction;\*
- disclose to the parties that an Intermediary owes no fiduciary duty either to Buyer or Seller, is not allowed to negotiate on behalf of the Buyer or Seller, and may be prohibited from disclosing information about the other party, which if known, could materially affect negotiations in the real estate transaction.

As Intermediary, the Broker will disclose all information to each party, but will not disclose the following information without your informed consent:

- the motivating factors for buying or selling the property;
- that you will agree to financing terms other than those offered, or
- any material information about you, unless disclosure is required by law or if lack of disclosure would constitute dishonest dealing or fraud.

#### **Change From Agent to Intermediary – In – House Transaction**

If a Buyer who has signed a Buyer Agency Agreement with the Broker wants to look at or submit an offer on property Broker has listed as an agent for the Seller, the Seller and the Buyer may consent in writing to allow Broker to change to an Intermediary (non-agency) relationship with both the Buyer and the Seller. Wyo. Stat. § 33-28-307.

An established relationship cannot be modified without the written consent of the Buyer or the Seller. The Buyer or Seller may, but are not required to, negotiate different commission fees as a condition to consenting to a change in relationship.

**Designated Agent.** (requires written designation by the brokerage firm and acknowledgement by the Buyer or Seller)

A designated agent means a licensee who is designated by a responsible broker to serve as an agent or intermediary for a Seller or Buyer in a real estate transaction. Wyo. Stat. § 33-28-301 (a)(x).

In order to facilitate a real estate transaction a Brokerage Firm may designate a licensee as your agent or intermediary. The Designated Agent will have the same duties to the Buyer and Seller as a Buyer's or Seller's Agent or Intermediary. The Broker or an appointed "transaction manager" will supervise the transaction and will not disclose to either party confidential information about the Buyer or Seller. The designation of agency may occur at the time the Buyer or Seller enters into an agency agreement with the Brokerage Firm or the designation of agency may occur later if an "in house" real estate transaction occurs. At that time, the Broker or "transaction manager" will immediately disclose to the Buyer and Seller that designated agency will occur.

#### **Duties Owed by An Agent But Not Owed By An Intermediary.**

**WHEN ACTING AS THE AGENT FOR ONE PARTY (EITHER BUYER OR SELLER), BROKER HAS FIDUCIARY DUTIES OF UTMOST GOOD FAITH, LOYALTY, AND FIDELITY TO THAT ONE PARTY. A BROKER ENGAGED AS AN INTERMEDIARY DOES NOT REPRESENT THE BUYER OR THE SELLER AND WILL NOT OWE EITHER PARTY THOSE FIDUCIARY DUTIES. HOWEVER, THE INTERMEDIARY MUST EXERCISE REASONABLE SKILL AND CARE AND MUST COMPLY WITH WYOMING LAW. AN INTERMEDIARY IS NOT AN AGENT OR ADVOCATE FOR EITHER PARTY. SELLER AND BUYER SHALL NOT BE LIABLE FOR ACTS OF AN INTERMEDIARY, SO LONG AS THE INTERMEDIARY COMPLIES WITH THE REQUIREMENTS OF WYOMING'S BROKERAGE RELATIONSHIPS ACT. WYO. STAT. § 33-28-306(a)(iii).**



THIS WRITTEN DISCLOSURE AND ACKNOWLEDGMENT, BY ITSELF, SHALL NOT CONSTITUTE A CONTRACT OR AGREEMENT WITH THE BROKER OR HIS/HER FIRM. UNTIL THE BUYER OR SELLER EXECUTES THIS DISCLOSURE AND ACKNOWLEDGEMENT, NO REPRESENTATION AGREEMENT SHALL BE EXECUTED OR VALID. WYO. STAT. § 33-28-306(b).

NO MATTER WHICH RELATIONSHIP IS ESTABLISHED, A REAL ESTATE BROKER IS NOT ALLOWED TO GIVE LEGAL ADVICE. IF YOU HAVE QUESTIONS ABOUT THIS NOTICE OR ANY DOCUMENT IN A REAL ESTATE TRANSACTION, CONSULT LEGAL COUNSEL AND OTHER COUNSEL BEFORE SIGNING.

The amount or rate of a real estate commission for any brokerage relationships is not fixed by law. It is set by each Broker individually and may be negotiable between the Buyer or Seller and the Broker.

On \_\_\_\_\_, I provided (Seller) (Buyer) with a copy of this Real Estate Brokerage Disclosure and have kept a copy for our records.

Brokerage Company

**Clark & Associates Land Brokers, LLC**  
PO Box 47  
Lusk, WY 82225  
Phone: 307-334-2025 Fax: 307-334-0901

By \_\_\_\_\_

I/We have been given a copy and have read this Real Estate Brokerage Disclosure on (date) \_\_\_\_\_, (time) \_\_\_\_\_ and hereby acknowledge receipt and understanding of this Disclosure.

SELLER \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_

BUYER \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_