

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT APPLICATION NO. 9008-3, BRIAN GILBERT	APPLICANT'S SUPPLEMENTAL PREHEARING SUBMISSION
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Applicant Brian Gilbert (“Gilbert”) submits the following supplemental disclosure for this matter before the Water Management Board, and scheduled to be held on October 7, 2026.

A. Gilbert Intends to Offer the Following Exhibits Unless Offered by Another Party:

In addition to the Exhibits identified in Applicant’s Prehearing Submission dated September 28, 2026, Gilbert intends to offer the following exhibit:

103: Photo of Petitioner Cathy Jessen’s real property.

Gilbert reserves the right to offer any document marked by any party as a hearing exhibit and additional exhibits as is necessary to rebut evidence presented by any other party in this proceeding or for impeachment purposes. Paper copies of Gilbert’s exhibits will be provided at the hearing and will be submitted to the Board electronically prior to the hearing.

Gilbert further reserves the right to provide supplemental witness and exhibit disclosures consistent with any Scheduling Order that may be entered in this matter or as agreed to by counsel.

Dated this 29th day of September 2026.

/s/ Paul W. Tschetter
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CERTIFICATE OF SERVICE

I, Paul W. Tschetter, hereby certify that I am a member of Boyce Law Firm, L.L.P., and that on the 29th day of September 2026, a true and correct copy of the foregoing was served by

First-Class Mail upon the following:

Emily Greco
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Daren Binger
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Adam Mathiowetz, Chief Engineer
DANR – Water Management Board
Joe Foss Building
523 East Capitol Avenue
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And served on September 29th, 2026, by email upon the following:

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/s/ Paul W. Tschetter
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