

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 DISCLOSURE OF WITNESSES AND EXHIBITS
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Applicant Brian Gilbert (“Gilbert”) submits the following for this matter before the Water Management Board, and scheduled to be held on October 7, 2026.

A. Expert Witnesses:

Adam Mathiowetz, P.E.
Chief Engineer
Department of Agriculture and Natural Resources

Mr. Mathiowetz is expected to testify regarding the Recommendation of the Chief Engineer for Water Permit Application No. 9008-3 dated August 6, 2026.

Kimberly C. Drennon, E.I.
Engineer III
Department of Agriculture and Natural Resources

Ms. Drennon is expected to testify regarding the findings and conclusions contained in the Report on Water Permit Application No. 9008-3 dated August 6, 2026.

Gilbert reserves the right to call and examine any other expert witness identified by any other party as is necessary to rebut evidence presented by any other party in this proceeding or for impeachment purposes. Gilbert specifically reserves the right to call a Department of Agriculture and Natural Resources (“DANR”) representative other than those identified herein in the event DANR designates an alternative representative.

B. Gilbert Intends to Call the Following Fact Witnesses:

Brian Gilbert
Applicant

Mr. Gilbert will provide testimony regarding his water needs including the beneficial use and public interest of such future use related to the application.

Gilbert reserves the right to call and examine any other witness identified by any other party as is necessary to rebut evidence presented by any other party in this proceeding or for impeachment purposes.

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

101: Application for Permit to Appropriate Water for Irrigation 9008-3

102: Recommendation of the Chief Engineer for Water Permit Application No. 9008-3
dated August 6, 2026, Report on Water Permit Application No. 9008-3 dated August
6, 2026

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 28th 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 28th day of September 2026, a true and correct copy of the foregoing was served by

First-Class Mail upon the following:

Emily Greco
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501

David M. McVey
Assistant Attorney General
1302 East SD Highway 1889, Suite 1
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Cathy Jessen, Lynail Larson, and
Daren Binger
18250 377th Ave
Tulare, SD 57476

Adam Mathiowetz, Chief Engineer
DANR – Water Management Board
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

And served on September 28th, 2026, by email upon the following:

Adam Mathiowetz, Chief Engineer
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Amanda Dewell
Permitting Administrator, Water Rights Program
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/s/ Paul W. Tschetter
Paul W. Tschetter