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MARTY J. JACKLEY
ATTORNEY GENERAL

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BRENT K. KEMPEMA
CHIEF DEPUTY

April 29, 2026

Stacy R. Hegge
Attorney at Law
306 East Capitol Avenue, Suite 300
Pierre, SD 57501
Counsel for Vic Utech

Marcus L. Hluchy
Attorney at Law
306 East Capitol Avenue, Suite 300
Pierre, SD 57501
Counsel for Vic Utech

James E. Moore
Attorney at Law
P.O. Box 5027
300 South Phillips Avenue, Suite 300
Sioux Falls, SD 57117-5027
*Counsel for Spring Creek Cow Creek
Sanitary District*

David M. McVey
Assistant Attorney General
1302 East SD Highway 1889, Suite 1
Pierre, SD 57501-8501
Counsel for Water Management Board

Re: *In the Matter of Water Permit Application No. 8987-3, Vic Utech*

To Whom it May Concern:

Enclosed please find a copy of the Chief Engineer's Disclosure of Expert Witnesses, Chief Engineer's Disclosure of Witnesses and Exhibits, and Certificate of Service in the above-entitled matter.

Respectfully,

A handwritten signature in cursive script, appearing to read "Emily M. Greco".

Emily M. Greco
Assistant Attorney General

EMG/mn

Enclosures

cc w/encs: ✓ Adam Mathiowetz, Chief Engineer, DANR Water Rights Program
(originals by inter-office mail)
Ron Duvall, DANR Water Rights Program (Ron.Duvall@state.sd.us)

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

IN THE MATTER OF WATER PERMIT) CHIEF ENGINEER'S DISCLOSURE OF
APPLICATION NO. 8987-3,) EXPERT WITNESSES
VIC UTECH)

Pursuant to the Procedural and Scheduling Order dated April 20, 2026, the Chief Engineer and Water Rights Program hereby provide the names of its expert witnesses:

1. Austin Settje, Engineer, South Dakota Department of Agriculture and Natural Resources, Water Rights Program. A copy of his report regarding this application and upon which the Chief Engineer's recommendation is based is attached hereto.

2. Adam Mathiowetz, Chief Engineer, South Dakota Department of Agriculture and Natural Resources, Water Rights Program. Mr. Mathiowetz has not authored a report in this matter. Mr. Mathiowetz adopts the recommendation of the previous acting Chief Engineer which is provided with the Chief Engineer's Disclosure of Witnesses and Exhibits.

The curricula vitae for each of these individuals are also attached hereto.

Dated this 29th day of April 2026.



Emily M. Greco
Assistant Attorney General
1302 East SD Highway 1889, Suite 1
Pierre, South Dakota 57501-8501
Telephone: (605) 773-3215
Email: emily.greco@state.sd.us
Counsel for Water Rights Program, DANR

Austin Settje

Education

Bachelor of Science in Industrial Engineering and Engineering Management, South Dakota School of Mines and Technology (SDSM&T), Graduated December 2022

Work Experience

SD DANR – Waer Rights Program, Pierre, South Dakota

Nature Resources Engineering I, May 2024 – Current

- Prepare technical reports on water use applications to the Chief Engineer.
 - Reports address the availability of unappropriated water, the potential for unlawful impairment of existing domestic uses and water rights and require the review of hydrologic and geologic data of the proposed water source.
- Create maps on ArcGIS, create hydrographs using observation well data and tables estimating or summarizing other water resource data in Microsoft Excel
- Assist Senior Engineers with review of groundwater related issues
- Review the observation well data and measure observation wells
 - Assisting in process improvement for future observation well monitoring
- Inspect dams for safety and compliance
- To be participating in lake level surveying (expected in late May or June)

Professional Organizations – Current Memberships and Activities

Association of State Dam Safety Officials (ASDSO)

- Member from January 2026 – current

Notable Advanced Training

- ASDSO’s Inspection and Assessment of Dams Technical Seminar (4 days) - January 2026

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ADAM MATHIOWETZ, PE

EDUCATION

M.S. Agricultural and Biosystems Engineering, South Dakota State University, 2011

–Thesis, Vegetative Treatment System Evaluation for Two Large Confined Animal Feeding Operations

B.S. Agricultural and Biosystems Engineering, South Dakota State University, 2009

LICENSURE

Registered Professional Engineer: #12461, State of South Dakota Board of Technical Professionals,

Expires: May 30, 2027

CAREER EXPERIENCE

Acting Chief Engineer – SD DANR-Water Rights Program (01/2026-present) Responsibilities

- Acting Water Rights Program administrator under direction of the Office of Water Division Director;
- Administer the State of South Dakota dam safety program;
- Advise the Water Management Board on the development, conservation, and allocation of the water resources of the State for the greatest public benefit;
- Administer the appropriation through making recommendations regarding water permit applications for appropriation of the water resources of the State to protect the public welfare and interest in development of the resources;
- Establish goals and monitor progress for team members, reviewing water permit applications, and assign staff to other tasks as needed;
- Provide technical assistance to members of the public, DANR staff, the Water Management Board, and other state and federal agencies;

Engineer IV – SD DANR-Water Rights Program (03/2012-01/2026) Responsibilities:

- Conduct groundwater investigations and investigate groundwater related complaints;
- Conduct water permit inspections for licensing;
- Prepare and peer review technical reports for groundwater permit applications;
- Provide information and technical assistance to the public regarding groundwater and wells;
- Provide technical assistance to the Chief Engineer regarding groundwater and wells;
- Provide technical assistance to the Water Management Board through evaluation of groundwater permit applications and interpretation of data from the statewide observation well network;
- Provide expert testimony to the Water Management Board on contested water permit applications;
- Review the work of staff in the Water Rights Program and assist with various engineering tasks or groundwater and wells training;
- Assist other staff in DANR with information regarding groundwater and wells;
- Primary manager of Water Rights Program summer seasonal employees measuring the observation well network;
- Oversee and review the work of the two Water Rights Program technicians;
- Review annual licensing for SD licensed water well drillers and pump installers;
- Review water well completion reports submitted to the Water Rights Program;
- Provide budgeting information regarding equipment needs for measurement and maintenance of observation well network;
- Review well design plan and specifications for the DANR-Environmental Funding and Drinking Water Programs as requested.

Adam Mathiowetz

Updated: April 26, 2026

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PROFESSIONAL MEMBERSHIPS

NSPE-SD – Central Chapter: member since 2019. Central Chapter Vice-President 03/2025 to present

SPECIAL PROJECTS

- Analyze aquifer performance test data for Water Permit Application Nos. 7537-3 for Bret Flihs and 7930-3 for James Rand, and reviewed aquifer performance test report and data for Water Permit Application Nos. 2633B-2 for Southern Black Hills Water System, 8299-3 for Aberdeen Energy LLC., and two performance test reports for 8433-3 City of Lake Norden.
- Provide an independent review and analysis of and oversight of other Water Rights Program staff's review and analysis of aquifer performance test report and data for Water Permit Application No. 8515-3 Riverview LLP.
- Develop an MS Excel based random selection process for establishing priority of new applications for appropriation from fully appropriated aquifers.

TESTIMONY

Testified as a technical expert witness before the South Dakota Water Management Board since 2013.

Cases since March 7, 2013, include:

- o Water Right No. 6187-3, Brett Jens
- o Application No. 8903-3, City of Dell Rapids
- o Application No. 8864-3, Big Sioux Community Water System
- o Application Nos. 8594A-3 and 8817-3, Merlin Vannorsdel
- o Application No. 8754-3, Lewis & Clark Regional Water System
- o Application No. 8797-3, Donald D. Benson
- o Application No. 8763-3, B&K Dairy
- o Application No. 8614-3, Lewis & Clark Regional Water System
- o Application No. 2834-2, Blake Burnham
- o Application No. 2833-2, Brian Burnham
- o Application No. 8527-3, Finley Family LLLP
- o Application No. 8433-3, City of Lake Norden
- o Application No. 2814-2, Jude Wildeman
- o Application No. 2805-2, R&J LLC
- o Application No. 2572A-2, Sheridan Lake Highlands Inc
- o Application No. 2633B-2, Southern Black Hills Water System
- o Application No. 8278-3, Sonstegard Food Company
- o Application No. 8308-3, Tom Hummel
- o Application No. 8293-3, Brian Schneck
- o Application No. 2758-2, Steffen Farms LLC
- o Application No. 8065-3, City of Hecla
- o Application No. 8002-3, Todd Block
- o Application No. 7828-3, Ryken Family Limited Partnership
- o Application No. 7520-3, JH Gunderson/GA Schiefen
- o Application No. 7610-3, Bret Flihs
- o Application No. 7456-3, Lucas Family Investments
- o Application No. 2691-2, Chad Kehn

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IN THE MATTER OF WATER PERMIT) CHIEF ENGINEER'S DISCLOSURE OF
APPLICATION NO. 8987-3,) WITNESSES AND EXHIBITS
VIC UTECH)

Pursuant to the Procedural and Scheduling Order dated April 20, 2026, the Chief Engineer and Water Rights Program hereby provide its list of witnesses and exhibits.

WITNESS LIST

1. Austin Settje, Engineer, South Dakota Department of Agriculture and Natural Resources, Water Rights Program. Mr. Settje will testify regarding the availability of unappropriated water and potential for unlawful impairment of existing rights.
2. Adam Mathiowetz, Chief Engineer, South Dakota Department of Agriculture and Natural Resources, Water Rights Program. Mr. Mathiowetz will testify regarding the recommendation of approval of this application. He will also testify about the nature and hydrology of the Grey Goose Aquifer.

The witnesses may be contacted at:

South Dakota Department of Agriculture and Natural Resources
Water Rights Program
523 East Capitol Avenue
Pierre, South Dakota 57501
(605) 773-3352

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EXHIBIT LIST

Exhibit 1: Administrative record of Water Permit Application No. 8987-3.

The paper file is available for review upon request. The majority of its contents are available online at <https://danr.sd.gov/public/ccdocs.aspx?CCID=CCID127>.

Exhibit 2: Curriculum Vitae of Austin Settje.

Exhibit 3: Curriculum Vitae of Adam Mathiowetz.

Exhibits 2 and 3 are provided with the Chief Engineer's expert witness disclosure.

Dated this 29th day of April 2026.



Emily M. Greco
Assistant Attorney General
1302 East SD Highway 1889, Suite 1
Pierre, South Dakota 57501-8501
Telephone: (605) 773-3215
Email: emily.greco@state.sd.us
Counsel for Water Rights Program, DANR

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STATE OF SOUTH DAKOTA
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WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)	
APPLICATION NO. 8987-3,)	CERTIFICATE OF SERVICE
VIC UTECH)	

The undersigned hereby certifies that on April 29, 2026, originals of the Chief Engineer’s Disclosure of Expert Witnesses and Chief Engineer’s Disclosure of Witnesses and Exhibits were submitted, via interoffice mail, upon the following to be filed in the above-captioned matter:

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

Further, true and correct copies of the above-referenced documents were served by U.S. mail, first, class, postage prepaid, upon the following on this 29th day of April 2026:

Stacy R. Hegge
Attorney at Law
306 East Capitol Avenue, Suite 300
Pierre, SD 57501
Counsel for Vic Utech

Marcus L. Hluchy
Attorney at Law
306 East Capitol Avenue, Suite 300
Pierre, SD 57501
Counsel for Vic Utech

James E. Moore
Attorney at Law
P.O. Box 5027
300 South Phillips Avenue, Suite 300
Sioux Falls, SD 57117-5027
*Counsel for Spring Creek Cow Creek
Sanitary District*

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And on the same date copies were hand-delivered to David M. McVey, Assistant Attorney General, Counsel for Water Management Board, Office of the Attorney General, 1302 East SD Highway 1889, Suite 1, Pierre, South Dakota 57501-8501 and copies were emailed to Ron Duvall, DANR Water Rights Program, Ron.Duvall@state.sd.us.



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