

**IN THE OFFICE OF THE STATE ENGINEER OF THE
STATE OF NEVADA**

IN THE MATTER OF APPLICATIONS)
53987 THROUGH 53992, INCLUSIVE,)
AND 54003 THROUGH 54021,)
INCLUSIVE, FILED TO APPROPRIATE)
THE UNDERGROUND WATERS OF)
SPRING VALLEY, CAVE VALLEY,)
DELAMAR VALLEY, AND DRY LAKE)
VALLEY HYDROGRAPHIC BASINS)
(180, 181, 182 AND 184), LINCOLN)
COUNTY AND WHITE PINE COUNTY,)
NEVADA)

**MOTION TO ALLOW ONE-BUSINESS
DAY LATE FILING DUE TO
EXTRAORDINARY AND
UNFORESEEN CIRCUMSTANCES
ENCOUNTERED WITH OVERNIGHT
COURIER,**

**OF HARD COPIES OF MILLARD AND
JUAB COUNTIES' PROPOSED RULING
AND CLOSING ARGUMENT ON
SPRING VALLEY REMAND HEARING**

Millard and Juab Counties submit this request to allow the one-business day late filing of their Written Closing Argument and Proposed Ruling (copies attached as Exhibits 1 and 2 hereto respectively), due to extraordinary and unforeseen circumstances encountered with the overnight courier. In support of this motion the undersigned represents and states the following:

FACTS

1. January 19, 2018 was the due date set for the parties to file hard copies of their respective written closing arguments and proposed rulings herein.
2. During the regular business hours of Thursday January 18, 2018 the undersigned placed the original and one copy each of Millard and Juab Counties' Closing Argument and Proposed Ruling with the South Jordan, Utah office of FedEx for overnight delivery guaranteed

by 3:00 pm January 19, 2018 with the Nevada State Engineer, Division of Water Resources, % Susan Joseph Taylor at the appropriate address and office suite number in Carson City, NV.

3. Copies of the said Closing Argument and Proposed Ruling are attached as Exhibits 1 and 2 hereto respectively.

4. A copy of the FedEx receipt for overnight delivery is attached as Exhibit 3 hereto.

5. The FedEx worker who assisted the undersigned on January 18th assured the undersigned that the package would be delivered by no later than 3:00 pm local time the next day, January 19th, at the address indicated.

6. This same FedEx worker did not tell the undersigned that any weather related delays were expected, nor did he express any doubts of any other kind that the package would be successfully delivered on time.

7. Had this FedEx worker expressed any doubt or reservation that the package would not be delivered before 3:00 pm January 19th, or had the worker expressed any doubt or reservation that the delivery might be delayed for any reason including weather related reasons, the undersigned would have driven to Carson City, NV and filed the documents in person before close of business on January 19th.

8. The undersigned has used FedEx for overnight courier deliveries and filings in various matters over the course of the undersigned's 30 plus year career. This includes various filings over the past several years with the Nevada Division of Water Resources in this and

related matters. Not once has any such attempted overnight delivery not been successful. Every overnight delivery which the undersigned has contracted FedEx to perform, has until this current episode, been successfully delivered overnight as committed.

9. In sum, when the undersigned on January 18, 2017 dropped off Millard and Juab Counties' written Closing Argument and Proposed Ruling with FedEx for overnight delivery on January 19, 2018 before 3:00 pm to the appropriate address, given the absence of any overnight delivery attempts by FedEx over the past 30 plus years that were unsuccessful, given the express assurance of timely delivery by the FedEx worker who assisted the undersigned, and given the absence of any statement of doubt or reservation by the FedEx worker who assisted the undersigned that the delivery would be anything but timely, the undersigned reasonably and in good faith believed and expected that such documents would be safely and timely delivered to the intended destination. Again, had there been any doubt the undersigned would have driven to Carson City NV to file the documents in person.

10. On Friday January 19, 2018 the undersigned sent via emails, electronic PDF copies of Millard and Juab Counties' written Closing Argument and Proposed Ruling to counsel of record and directly to Hearing Officer Susan Joseph Taylor.

11. During the morning of Monday January 22, 2018, the undersigned received email notice by Hearing Officer Susan Joseph Taylor that no delivery of documents from Millard and Juab Counties had been received.

12. Concerned, the undersigned immediately went to the South Jordan, UT FedEx office on January 22, 2018 and made inquiry. The FedEx worker informed the undersigned that the package the undersigned dropped off was flown to Memphis, TN for intended further intended flight to Carson City, NV for delivery January 19th as promised. However, the flight from Memphis, TN was grounded to severe weather problems. The package was not flown to Carson City by FedEx until Saturday January 20th, and FedEx attempted to deliver the package on Saturday the 20th but found the business closed.

13. Attached as Exhibit 4 is the FedEx tracking statement for this shipment, current as of mid-day Utah time January 22nd. Since then FedEx confirmed that the package was delivered to the intended destination on January 22, 2018, one business day after the January 19, 2018 deadline for filing.

14. In a telephone conversation on January 22nd, Hearing Officer Susan Joseph Taylor said to the undersigned that the filing had arrived January 22nd but would not be accepted. The undersigned had earlier sent an explanatory email and again explained on the telephone to the Hearing Officer the foregoing circumstances and why under these circumstances it would be appropriate to allow this late filing. The Hearing Officer maintained that the filing would not be accepted. The undersigned indicated his intent to file this formal motion.

GROUNDNS FOR RELIEF

The undersigned exercised reasonable diligence to provide for the timely filing on Friday January 19, 2018 of Millard and Juab Counties' Closing Argument and Proposed Ruling. The circumstances that caused the documents not to be filed until Monday January 22nd were highly unusual and unforeseen by the undersigned acting with reasonable due care and diligence, and outside the undersigned's control or influence. Never once in the undersigned's thirty-plus year career, including the past several years of filing by overnight courier in this proceeding and any related proceeding before the Nevada Engineer, Division of Water Resources, has the undersigned ever once experienced any attempted filing by overnight courier that was not successful as guaranteed by FedEx or any other overnight courier. Nothing was said by FedEx workers on January 18th to give the undersigned any inkling of doubt as to whether the overnight delivery would be successful on the next day January 19th. Had there been any such doubt, the undersigned would have driven to Carson City, NV to file the documents in person.

No party in this matter was or will be prejudiced by allowing the late filing of the subject documents; electronic PDF copies of the subject documents were emailed to counsel of record on January 19th as all counsel committed to do with each other. PDF copies of the subject documents were also emailed January 19th to the Hearing Officer.

In the interest of due process and proper consideration of the input of Millard and Juab Counties, the balance of harms is far out of scale if their Closing Argument and Proposed Ruling

are not allowed for filing to be part of the record for fair consideration in the State Engineer's decision and ruling in this matter.

It is not as if the undersigned in any degree flaunted, disregarded, forgot about, dropped the ball, or otherwise showed any attitude of carelessness or disrespect for the established January 19th, filing deadline. To the contrary, the undersigned prepared, edited and finalized the subject documents with the January 19, 2018 filing deadline in mind and timed and geared all efforts toward providing for a January 19, 2018 filing, especially in light of the absence of any delay in FedEx overnight courier attempts ever known to the undersigned in the past, and in the absence of any indication by the FedEx worker on January 18th that there was any cause, weather or otherwise, to expect any delay in the overnight delivery for timely submission. The undersigned respectfully asks that protestants Millard and Juab Counties and their counsel not be punished for circumstances beyond their counsel's control or reasonable expectation. The undersigned acted reasonably and prudently under the circumstances; no party will be prejudiced; nor will the State Engineer be unreasonably inconvenienced. Granting this motion will fairly resolve the balance of harms and interests to deal with an extraordinary, unforeseen, and never before experienced difficulty the undersigned had with the overnight courier.

Respectfully submitted.

/s/ J Mark Ward

J. Mark Ward

Balance Resources

Admitted Pro Hac Vice Utah State Bar #4436

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P.O. Box 18191

Reno, Nevada 89511

Phone (775) 849-2525

Attorneys for Protestants Millard County, Utah
and Juab County, Utah

CERTIFICATE OF SERVICE

I certify that on the 22nd day of January, 2018 the original foregoing document and one copy thereof were sent via Federal Express Overnight Courier to Jason King, P.E. Nevada State Engineer State of Nevada Division of Water Resources 901 S. Stewart St., Suite 2002 Carson City, NV 89701, care of hearing officer Susan Joseph-Taylor.

I further certify that on the 22nd day of January, 2018 a true and correct electronic PDF copy of the foregoing document was set to all counsel of record by email.

/s/ J Mark Ward

J. Mark Ward

EXHIBIT 1

**IN THE OFFICE OF THE STATE ENGINEER OF THE
STATE OF NEVADA**

IN THE MATTER OF APPLICATIONS)	
53987 THROUGH 53992, INCLUSIVE,)	
AND 54003 THROUGH 54021,)	
INCLUSIVE, FILED TO APPROPRIATE)	MILLARD AND JUAB COUNTIES'
THE UNDERGROUND WATERS OF)	CLOSING ARGUMENT ON
SPRING VALLEY, CAVE VALLEY,)	SPRING VALLEY REMAND HEARING
DELAMAR VALLEY, AND DRY LAKE)	
VALLEY HYDROGRAPHIC BASINS)	
(180, 181, 182 AND 184), LINCOLN)	
COUNTY AND WHITE PINE COUNTY,)	
NEVADA)	

Protestants Millard and Juab and Juab Counties submit the following closing argument on the State Engineer's Spring Valley remand proceeding:

FACTS

1. The undisputed evidence at the 2011 hearing, namely the testimony of the Applicant's then General Manager Patricia Mulroy that the Applicant still supports and is committed to the promises and commitments made in the September 8, 2006 Spring Valley Stipulation for Withdrawal of Protests between the Applicant and the Federal Protestants (hereafter "2006 Spring Valley Stipulation"), was reaffirmed at the 2017 remand hearing through Applicant's Zane Marshall, who testified:

MR. MARSHALL: So due to the District Court's remand, we have developed this approach, this 3M Plan, wholly separate from the stipulation. There is overlap for sure, and there is data that we would collect as part the 3M Plan that's consistent with the stipulation, but these are two separate agreements now, or contracts or programs, and we intend to implement the stipulated agreements with the Department of Interior Federal agencies as well as implement this 3M Plan as we've proposed.

Transcript Vol. 3 at 738-739.

2. The State Engineer approved the 2006 Spring Valley Stipulation.

3. The 2006 Spring Valley Stipulation provides for an extensive hydrologic and biologic monitoring, management and mitigation throughout a geographic region known as the “Area of Interest,” which covers all of Snake Valley, Utah as well as several basins and ranges within the geographic boundaries of Protestants Millard and Juab Counties according to the area mapped and shown in Figure 1 to the 2006 Spring Valley Stipulation.

4. The plain language of the 2006 Spring Valley Stipulation demonstrates that the parties intended to apply the hydrologic and biologic monitoring, management and mitigation plan to the entire “Area of Interest” shown on the map in Figure 1 to the 2006 Spring Valley Stipulation, including

(a) All of the hydrologic monitoring, management and mitigation provisions set forth in Exhibit A to the 2006 Spring Valley Stipulation; and

(b) All of the biologic monitoring, management and mitigation provisions set forth in Exhibit B to the Spring Valley Stipulation.

5. Based on the undisputed testimony of SNWA’s Mr. Prieur, SNWA is aware of and familiar with the network of groundwater monitoring wells that the State of Utah has developed. *Remand Hearing Transcript* Vol 3. at 754-755. Specifically SNWA is aware of monitoring performed by Utah Geological Survey all up and down Snake Valley along the Utah border. *Id.* SNWA has a joint funding agreement with U.S. Geological Survey Salt Lake City, Utah branch to monitor 73 wells in western Utah in both Millard and Juab Counties. *Id.* SNWA provides a link to this Utah Geological Survey data as part of its annual reports. *Id.* The same

goes for the Utah Geological Survey's monitoring of springs throughout Snake Valley. *Id.* at 755, some of which SNWA has entered into a joint funding agreement. *Id.* SNWA collects data from these Snake Valley, Utah groundwater and spring monitoring stations pursuant to an agreement with the U.S.G.S. *Id.* at 756. SNWA also collects independent separate data like the water chemistry in the springs in Snake Valley, Utah. *Id.* SNWA did geophysical surveys and stream gauging to some springs that reaches into Utah including the Deep Creek Range (which is as far north as northern Snake Valley, Utah in Juab County). *Id.* Mr. Prieur's work includes summarizing all the data and provide specific hydrogeologic setting data on a number of springs on the Utah side of Snake Valley. *Id.* at 757. It is an ongoing effort for SNWA to collect and utilize the data off of all groundwater monitoring and spring monitoring stations in Snake Valley, Utah. *Id.* If a change occurred in one of these wells on the Utah side, the State Engineer could require SNWA to do an investigation that would be exactly the same as a trigger in interbasin zone. *Id.* at 764-765. According to Mr. Prieur's undisputed testimony, SNWA is absolutely amenable to paying close attention to those Utah groundwater monitoring sites and spring stations and be ready to apply its planned monitoring investigation, management and mitigation action if deemed appropriate, and would very much work with Utah Geological Survey and the Utah office of the U.S. Geological Survey. *Id.* at 766-767.

6. The scientific outlook on the impact on Snake Valley from SNWA's Spring Valley groundwater pumping is mixed at best. Expert witnesses Doctors Jones and Mayo testified they expect the naturally occurring groundwater flow from Spring Valley to Hamlin Valley (which is part of the Snake Valley hydrographic basin) would actually reverse due to expected SNWA groundwater pumping in Spring Valley. *Remand Hearing Transcript Vol 6* at

1185-1189. This makes more critical than ever, the need to include the entire network of groundwater, spring and biologic monitoring stations throughout Snake Valley, Utah in the State Engineer's approved monitoring, management and and mitigation plan.

ARGUMENT

From the foregoing facts, four main points inform Millard and Juab Counties' closing argument:

(a) The State Engineer has already approved the 2006 Spring Valley Stipulation and is overseeing the enforcement and performance of that stipulation;

(b) The Area of Interest covered by the 2006 Spring Valley Stipulation includes all of Snake Valley Utah and beyond;

(c) The expert testimony is mixed at best and includes two credible views (Jones and Mayo) that SNWA pumping in Spring Valley could actually reverse the groundwater flow from Snake Valley, and

(d) Including the U.S.G.S. and U.G.S. monitoring network stations in the State Engineer's 3-M plan would not be inconvenient and only make sense for two reasons:

(1) Not only would that match the 2006 Spring Valley Stipulation's monitoring effort and reach throughout all of Snake Valley, Utah (a Stipulation which SNWA not only entered into and actively supports, but which the State Engineer expressly approved), but

(2) SNWA's Mr. Prieur's undisputed testimony is that SNWA already voluntarily, willingly and systematically includes, records, follows, collects and studies *all available data* from the groundwater and spring monitoring network for *all such* U.S.G.S. and U.G.S. stations in Snake Valley, Utah anyway.

THEREFORE, it is reasonable and appropriate that the State Engineer find and rule that the monitoring, management and mitigation plan to be approved by the State Engineer herein should:

(a) Match the geographic scope of the full hydrological and biological monitoring, management and mitigation program throughout Snake Valley, Utah, which is within with the Area of Interest covered by the 2006 Spring Valley Stipulation, including

(b) All known Federal Agency and Utah State agency groundwater monitoring, spring monitoring and biologic monitoring sites maintained by Federal and Utah State agencies throughout the entire portion of Snake Valley Utah; and

(c) Apply and continue for several decades, because the full extent of impacts to the Snake Valley groundwater system from drawdown due to pumping in southern Spring Valley may not fully be known for several to at least tens of years after pumping and groundwater export commences.

Respectfully submitted this 18th day of January, 2018.

/s/ J Mark Ward

J. Mark Ward

Balance Resources

Admitted Pro Hac Vice Utah State Bar #4436

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Phone (775) 849-2525

Attorneys for Protestants Millard County, Utah
and Juab County, Utah

CERTIFICATE OF SERVICE

I certify that on the 18th day of January, 2018 the original foregoing document and one copy thereof were sent via Federal Express Overnight Courier to Jason King, P.E. Nevada State Engineer State of Nevada Division of Water Resources 901 S. Stewart St., Suite 2002 Carson City, NV 89701, care of hearing officer Susan Joseph-Taylor.

I further certify that on the 19th day of January, 2018 a true and correct electronic PDF copy of the foregoing document was set to all counsel of record by email, pursuant to stipulation among all counsel.

/s/ J Mark Ward

J. Mark Ward

EXHIBIT 2

**IN THE OFFICE OF THE STATE ENGINEER OF THE
STATE OF NEVADA**

IN THE MATTER OF APPLICATIONS)	
53987 THROUGH 53992, INCLUSIVE,)	
AND 54003 THROUGH 54021,)	
INCLUSIVE, FILED TO APPROPRIATE)	MILLARD AND JUAB COUNTIES'
THE UNDERGROUND WATERS OF)	PROPOSED RULING ON
SPRING VALLEY, CAVE VALLEY,)	SPRING VALLEY REMAND HEARING
DELAMAR VALLEY, AND DRY LAKE)	
VALLEY HYDROGRAPHIC BASINS)	
(180, 181, 182 AND 184), LINCOLN)	
COUNTY AND WHITE PINE COUNTY,)	
NEVADA)	

It is Proposed That the Spring Valley Portion of the Findings of Fact Include the Following:

1. The undisputed evidence at the 2011 hearing, namely the testimony of the Applicant's then General Manager Patricia Mulroy that the Applicant still supports and is committed to the promises and commitments made in the September 8, 2006 Spring Valley Stipulation for Withdrawal of Protests between the Applicant and the Federal Protestants (hereafter "2006 Spring Valley Stipulation"), was reaffirmed at the 2017 remand hearing through Applicant's Zane Marshall, who testified:

MR. MARSHALL: So due to the District Court's remand, we have developed this approach, this 3M Plan, wholly separate from the stipulation. There is overlap for sure, and there is data that we would collect as part the 3M Plan that's consistent with the stipulation, but these are two separate agreements now, or contracts or programs, and we intend to implement the stipulated agreements with the Department of Interior Federal agencies as well as implement this 3M Plan as we've proposed.

2. The State Engineer approved the 2006 Spring Valley Stipulation.

3. The 2006 Spring Valley Stipulation provides for an extensive hydrologic and biologic monitoring, management and mitigation throughout a geographic region known as the “Area of Interest,” which covers all of Snake Valley, Utah as well as several basins and ranges within the geographic boundaries of Protestants Millard and Juab Counties according to the area mapped and shown in Figure 1 to the 2006 Spring Valley Stipulation.

4. The plain language of the 2006 Spring Valley Stipulation demonstrates that the parties intended to apply the hydrologic and biologic monitoring, management and mitigation plan to the entire “Area of Interest” shown on the map in Figure 1 to the 2006 Spring Valley Stipulation, including

(a) All of the hydrologic monitoring, management and mitigation provisions set forth in Exhibit A to the 2006 Spring Valley Stipulation; and

(b) All of the biologic monitoring, management and mitigation provisions set forth in Exhibit B to the Spring Valley Stipulation.

5. The scientific outlook on the impact on Snake Valley from SNWA’s Spring Valley groundwater pumping is mixed at best. Expert witnesses Doctors Jones and Mayo testified they expect the naturally occurring groundwater flow from Spring Valley to Hamlin Valley (which is part of the Snake Valley hydrographic basin) would actually reverse due to expected SNWA groundwater pumping in Spring Valley. *Remand Hearing Transcript Vol 6 at 1185-1189.*

6. Based on the undisputed testimony of SNWA’s Mr. Prieur, SNWA is aware of and familiar with the network of groundwater monitoring wells that the State of Utah has

developed. Transcript Vol 3. at 754-755. Specifically SNWA is aware of monitoring performed by Utah Geological Survey all up and down Snake Valley along the Utah border. *Id.* SNWA has a joint funding agreement with U.S. Geological Survey Salt Lake City, Utah branch to monitor 73 wells in western Utah in both Millard and Juab Counties. *Id.* SNWA provides a link to this Utah Geological Survey data as part of its annual reports. *Id.* The same goes for the Utah Geological Survey's monitoring of springs throughout Snake Valley. *Id.* at 755, some of which SNWA has entered into a joint funding agreement. *Id.* SNWA collects data from these Snake Valley, Utah groundwater and spring monitoring stations pursuant to an agreement with the U.S.G.S. *Id.* at 756. SNWA also collects independent separate data like the water chemistry in the springs in Snake Valley, Utah. *Id.* SNWA did geophysical surveys and stream gauging to some springs that reaches into Utah including the Deep Creek Range (which is as far north as northern Snake Valley, Utah in Juab County). *Id.* Mr. Prieur's work includes summarizing all the data and provide specific hydrogeologic setting data on a number of springs on the Utah side of Snake Valley. *Id.* at 757. It is an ongoing effort for SNWA to collect and utilize the data off of all groundwater monitoring and spring monitoring stations in Snake Valley, Utah. *Id.* If a change occurred in one of these wells on the Utah side, the State Engineer could require SNWA to do an investigation that would be exactly the same as a trigger in interbasin zone. *Id.* at 764-765. According to Mr. Prieur's undisputed testimony, SNWA is absolutely amenable to paying close attention to those Utah groundwater monitoring sites and spring stations and be ready to apply its planned monitoring investigation, management and mitigation action if deemed appropriate, and would very much work with Utah Geological Survey and the Utah office of the U.S. Geological Survey. *Id.* at 766-767.

7. Based on the fact that the State Engineer has already approved the 2006 Spring Valley Stipulation and is overseeing the enforcement and performance of that stipulation, and based on the fact that the Area of Interest covered by the 2006 Spring Valley Stipulation includes all of Snake Valley Utah and beyond, and based on the undisputed testimony from Mr. Prieur that SNWA already includes, follows, and collects all available data from the groundwater and spring monitoring network for all such stations in Snake Valley, Utah, the State Engineer therefore finds it reasonable that the monitoring, management and mitigation plan to be approved by the State Engineer herein should:

(a) Match the geographic scope of the full hydrological and biological monitoring, management and mitigation program throughout Snake Valley, Utah, which is within with the Area of Interest covered by the 2006 Spring Valley Stipulation, including

(b) All known Federal Agency and Utah State agency groundwater monitoring, spring monitoring and biologic monitoring sites maintained by Federal and Utah State agencies throughout the entire portion of Snake Valley Utah; and

(c) Apply and continue for several decades, because the full extent of impacts to the Snake Valley groundwater system from drawdown due to pumping in southern Spring Valley may not fully be known for several to at least tens of years after pumping and groundwater export commences.

It is Proposed That the Spring Valley Portion of the Conclusions and Ruling Include the Following:

Based on the foregoing findings, the State Engineer concludes as follows:

(a) The State Engineer has already approved the 2006 Spring Valley Stipulation and is overseeing the enforcement and performance of that stipulation;

(b) The Area of Interest covered by the 2006 Spring Valley Stipulation includes all of Snake Valley Utah and beyond;

(c) The expert testimony is mixed at best and includes two credible views (Jones and Mayo) that SNWA pumping in Spring Valley could actually reverse the groundwater flow from Snake Valley, and

(d) Including the U.S.G.S. and U.G.S. monitoring network stations in the State Engineer's 3-M plan would be convenient, safe, prudent and reasonable for these reasons:

(1) That would match the 2006 Spring Valley Stipulation's monitoring effort and reach throughout all of Snake Valley, Utah (a Stipulation which SNWA not only entered into and actively supports, but which the State Engineer expressly approved), but

(2) Moreover SNWA already voluntarily, willingly and systematically includes, records, follows, collects and studies *all available data* from the groundwater and spring monitoring network for *all such* U.S.G.S. and U.G.S. stations in Snake Valley, Utah anyway.

Based on the foregoing findings and conclusions, the State Engineer hereby rules as follows:

1. The monitoring, management and mitigation program approved by the State Engineer shall:

(a) Match the geographic scope of the full hydrological and biological monitoring, management and mitigation program throughout Snake Valley, Utah, which as provided within with the Area of Interest covered by the 2006 Spring Valley Stipulation, including

(b) All known Federal Agency and Utah State agency groundwater monitoring, spring monitoring and biologic monitoring sites maintained by Federal and Utah State agencies throughout the entire portion of Snake Valley Utah; and

(c) Apply and continue for several decades, because the full extent of impacts to the Snake Valley groundwater system from drawdown due to pumping in southern Spring Valley may not fully be known for several to at least tens of years after pumping and groundwater export commences.

This proposed ruling is respectfully submitted this 18th day of January, 2018.

/s/ J Mark Ward

J. Mark Ward

Balance Resources

Admitted Pro Hac Vice Utah State Bar #4436

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Attorneys for Protestants Millard County, Utah
and Juab County, Utah

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I further certify that on the 19th day of January, 2018 a true and correct electronic PDF copy of the foregoing document was set to all counsel of record by email, pursuant to stipulation among all counsel.

/s/ J Mark Ward
J. Mark Ward

EXHIBIT 3



FedEx OfficeSM

Address: 10501 S REDWOOD RD
 SOUTH JORDAN
 UT 84095
 Location: BTFKF
 Device ID: -BTC01
 Transaction: 900187636601

FedEx Standard Overnight
 789404046193 0.1 lbs. (S) 26.20
 Declared Value 100

Shipment subtotal: \$26.20

Total Due: \$26.20

(S) CreditCard: \$26.20
 *****6822

M = Weight entered manually
 S = Weight read from scale
 T = Taxable item

Terms and Conditions apply. See
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Jan 18, 2018 1:31:52 PM

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*** Thank you ***

EXHIBIT 4



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FedEx[®] Tracking

789404046193

Ship date

Thu 1/18/2018

Scheduled delivery

Mon 1/22/2018 by 3:00 pm

South Jordan, UT US

In transit

CARSON CITY, NV US

On FedEx vehicle for delivery
CARSON CITY, NV

Travel History

Date/Time	Activity	Location
1/22/2018 - Monday		
8:05 am	On FedEx vehicle for delivery	CARSON CITY, NV
8:03 am	At local FedEx facility	CARSON CITY, NV
1/20/2018 - Saturday		
9:40 am	At local FedEx facility	CARSON CITY, NV
8:51 am	Delivery exception	CARSON CITY, NV
	Business closed - No delivery attempt	
8:41 am	At local FedEx facility	CARSON CITY, NV
5:55 am	At destination sort facility	RENO, NV
4:09 am	Departed FedEx location	MEMPHIS, TN
1/19/2018 - Friday		
10:25 am	Arrived at FedEx location	MEMPHIS, TN
1/18/2018 - Thursday		
11:29 pm	In transit	SALT LAKE CITY, UT
11:28 pm	At local FedEx facility	SALT LAKE CITY, UT
7:20 pm	Left FedEx origin facility	DRAPER, UT
4:27 pm	Picked up	DRAPER, UT
2:35 pm	Shipment information sent to FedEx	
1:31 pm	Picked up	SOUTH JORDAN, UT
	Tendered at FedEx Office	

Shipment Facts

Tracking Number	789404046193	Service	FedEx Standard Overnight
Weight	0.5 lbs / 0.23 kgs	Total pieces	1
Total shipment weight	0.5 lbs / 0.23 kgs	Terms	Shipper
Packaging	FedEx Envelope	Special handling section	Deliver Weekday, No Signature Required
Standard transit	1/19/2018 by 3:00 pm		

OUR COMPANY

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