

## **HENRY J. TOSTA'S REBUTTAL EVIDENCE LIST**

The following items are rebuttal evidence for the Central Valley Regional Water Quality Control Board hearing regarding Administrative Civil Liability Complaint No. R5-2013-0592, Henry J. Tosta and Rescission of Administrative Liability Complaint R5-2012-0564, Reeve Road Heifer Ranch, 21070 Reeve Road, Tracy, San Joaquin County. This matter is scheduled to be heard at the February 6/7, 2014 Central Valley Water Board meeting in Rancho Cordova. This list consists of evidence not already attached or included in Administrative Civil Liability Complaint No. R5-2013-0592 or prior evidentiary submissions.

<b>Exhibit</b>	<b>Description of Document</b>	<b>Document Date</b>
1-7	Previously submitted Exhibits 1-7	01/06/14
8	John Minney Report regarding 2013 Groundwater Monitoring	08/23/13
9	Reimbursement and Indemnity Agreement between Echeverria Brothers and Henry Tosta	11/19/13

# **EXHIBIT “8”**

John Minney  
17137 Road 37  
Madera CA 93636  
559-275-5937 559-645-0870  
iminnev@gmail.com

August 23, 2013

JOB F12033A

Mr. Lee Smith, Attorney  
Weintraub Tobin  
400 Capitol Mall, 11<sup>th</sup> Floor  
Sacramento CA 95814

**SUBJECT:** Third Quarter 2013 Groundwater Monitoring  
Tosta Dairy  
Tracy, California

Dear Sir:

This report is related to groundwater monitoring at the Tosta Dairy for the third quarter, 2013. The facility has three previously approved monitoring wells (MW-1, MW-2, and MW-3) which have recently been surveyed for elevation and sampled for groundwater on July 3, 2013. In addition, a fourth monitoring well (MW-4) was included in the surveying and sampling at the site; although this well is pre-existing, I saw no record of the Board's approval of this well.

This report also further addresses items that I testified to at the previous Regional Board hearing on August 25, 2013 including the very poor quality of the shallow groundwater in that vicinity and the .

The first groundwater is shallow, on the order of 5 feet deep. The map showing the gradient as determined on July 3, 2013 is attached. It essentially shows groundwater going south, which I would consider unusual (but not unheard of) for this vicinity. Since 1996, I have done most of the groundwater monitoring at the nearby sugar beet factory and the predominant flow direction has been north or northwest in the shallow groundwater (also 5 feet deep), although it was south also for a brief while. You can see the sugar beet plant and its associated irrigated lands when you are standing on the Tosta Dairy site.

The Regional Board has recently opined that Tosta Dairy has adversely impacted the beneficial uses of the shallow groundwater through the way it has operated the ponds/manure drying areas. The RWQCB has complained specifically about the TDS and Nitrate-N in the groundwater. The RWQCB has also stated that the shallow groundwater at the site is currently deemed a resource for MUN supply based upon regulation, though no factual information supporting that conclusion was provided. My response (again based upon doing most of the groundwater monitoring issues at the nearby sugar beet factory since 1996) was that the shallow groundwater is naturally that very poor quality.

This report will therefore specifically address whether the technical data supports the position that was raised at the past Board hearing that the beneficial uses of shallow groundwater have been impacted by the Tosta Dairy handling of ponds/manure drying and whether the technical data supports the position that the shallow groundwater is just naturally that very poor quality.

Since the pond water quality and the manure extract water quality are relevant to this discussion, both the pond water and the manure have been recently sampled for similar constituents to the groundwater.

I have put all the available groundwater, pond and manure data to date into the spreadsheet that is attached.

The following table compares three items for the relevant test parameters. The Irrigation Area is the compilation of background shallow groundwater values agreed to by the RWQCB about ten years ago at the nearby sugar beet factory. The Tosta GW is the average of all the groundwater tests that I currently have at Tosta for MW-1, MW-2, MW-3 and MW-4. It can be seen that TDS and N are present at Tosta at values remarkably similar to background at the sugar beet factory. I consider that as substantiating my previous position.

I also sampled the Tosta Dairy pond water and manure for similar constituents as the RWQCB has alleged that pond seepage has caused that the very poor quality groundwater to be on the Tosta property. The dairy has several acres which are used for combined pond areas and manure drying areas. The pond bottoms are close to the groundwater table, so significant infiltration to groundwater could be expected. The manure drying is done to evaporate the water out of the manure, so the amount of water which could come out of the manure is simply the precipitation reduced by effective evaporation. Since the manure drying and the ponds have occupied essentially the same parcel of ground over the years, there has been a blending of the two from the perspective of what can reach groundwater. Most of the water is from the pond and some from the manure.

The TDS in the pond-manure is much lower than the TDS in the Tosta groundwater (GW), so it is impossible for the pond-manure to have caused the very poor quality groundwater. I consider that as substantiating my previous position. The N in the Tosta pond-manure is apparently the immobile form, which would be expected for a manure pond or a manure pile.

Parameter	Irrigation Area	Tosta GW	Tosta Pond-Manure
TDS (mg/l)	11,391	10,961	4,532
TFDS (mg/l)	10,780		
TOC (mg/l)	4.4		
Bicarbonate (mg/l)	800	593	1,926
Hardness (mg/l)	1,342		
Nitrogen (mg/l)	40.6	17.9	412
Calcium (mg/l)	425	839	144
Chloride (mg/l)	766	3,911	896
Sodium (mg/l)	2,679	2,563	421
Sulfate (mg/l)	6,205	2,492	12
Potassium (mg/l)	4.4	17	650
Boron (mg/l)	21	6	
Magnesium (mg/l)	219	624	86

Note that there are other elevated constituents in the Tosta groundwater. Chloride is most notable. Again, the pond water-manure extract has minimal chloride compared to the Tosta groundwater, so it could not have caused it. Sodium is also there as well in a similar amount. Since the shallow groundwater is virtually at or below sea-level in elevation, it suggests a historical salt-water intrusion remnant as opposed to a Tosta release.

Regarding the groundwater flow, the RWQCB alleges that there is a "mound" of groundwater coming out of the ponds which is both highly contaminated and disruptive of the regular direction that groundwater would move.

I have some old measurements of depth to water from 2012 by others.

Well	Date	Measuring Point Elevation	Water Depth, ft	Total Well Depth, ft	Groundwater Elevation
MW-1	7/16/2012	4.36	5.33	21.0	-0.97
MW-2	7/16/2012	8.07	6.93	23.3	1.14
MW-3	7/16/2012	5.13	7.60	16.0	-2.47
MW-4		5.76		10.4	

MW-2 is the well nearest the wastewater pond. It shows the highest elevation of water on the site, which is consistent with the State's assertion that there is a "mound". MW-3 is the lowest, suggesting water not in the mound is moving north.

Here are my new measurements (I added MW-4 which is the unapproved-as-yet existing well).

Well	Date	Measuring Point Elevation	Water Depth, ft	Total Well Depth, ft	Groundwater Elevation
MW-1	7/3/2013	4.36	6.73	21.0	-2.37
MW-2	7/3/2013	8.07	7.48	23.3	0.59
MW-3	7/3/2013	5.13	3.92	16.0	1.21
MW-4	7/3/2013	5.76	5.28	10.4	0.48

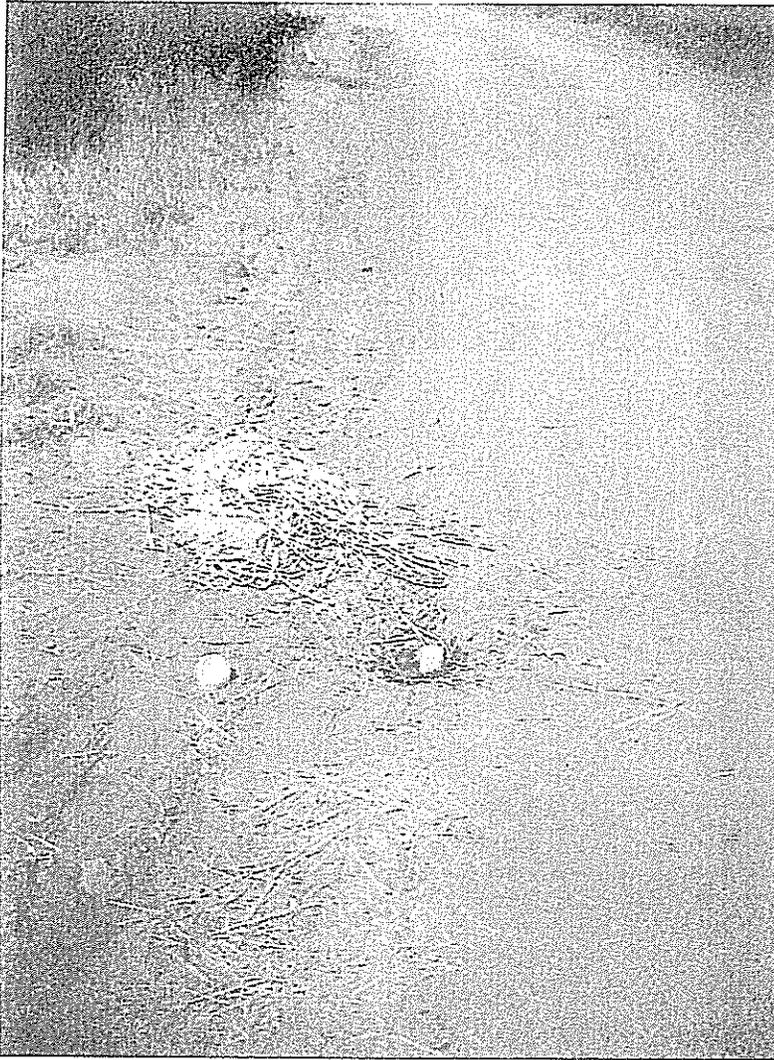
MW-2 not the highest anymore, so the "mound" is now missing. Also MW-3 now the highest, suggesting flow has reversed to the south.

So the available data currently indicates that Tosta is not creating a "mound" but used to. That means that there was some discharge of pond water into groundwater. Note that I have so calculated it in my above analyses.

The next question is whether that "mound" discharge caused contamination of groundwater. MW-2 is the one closest to the pond; MW-1 is farther away. MW-1 is the higher well with most constituents (i.e. sodium, calcium, magnesium, chloride, conductivity and TDS). MW-2 is the higher well with fewer

constituents (i.e. nitrate, sulfate). Preponderance of evidence says the "mound" has not impacted groundwater and implies that a "mound" would actually improve the groundwater in this area.

The Regional Board has requested that the top of MW-3 be repaired to prevent surface water intrusion. This is what it looks like now. A drawing regarding a repair is attached. A steel sleeve would be grouted into the near surface.



In summary, the principal issue to be addressed was whether the shallow, very poor quality groundwater documented at the site is the result of the Tosta Dairy pond-manure drying operations or the result of naturally occurring, similarly very poor quality groundwater found nearby also. I conclude that the Tosta Dairy pond water-manure extract are not bad enough to have caused the very poor quality groundwater and that this site's very poor quality groundwater is remarkably similar to another nearby site that I have worked on extensively.

Regarding the beneficial uses of natural groundwater which has a TDS greater than 10,000 mg/l, it is my conclusion that there are basically no beneficial uses. The MUN designation is generally considered treatable to 3,000 mg/l but there is no shallow groundwater in this area that is less than 3000 mg/l.

Regarding future groundwater monitoring, I would expect that quarterly monitoring of at least the three approved wells will be required for at least one year, with the same constituents included herein. I would recommend similar testing of the pond and manure at the same time and, provided that the results remain similar, that a request for no further groundwater monitoring be made based upon the shallow groundwater being naturally such poor quality that it has no beneficial uses.

Please call if you have questions or comments in this regard.

Respectfully submitted,

*John M. Minney*  
John M. Minney  
CE 32537  
GE 602  
NEPA 760413



JMM/bf

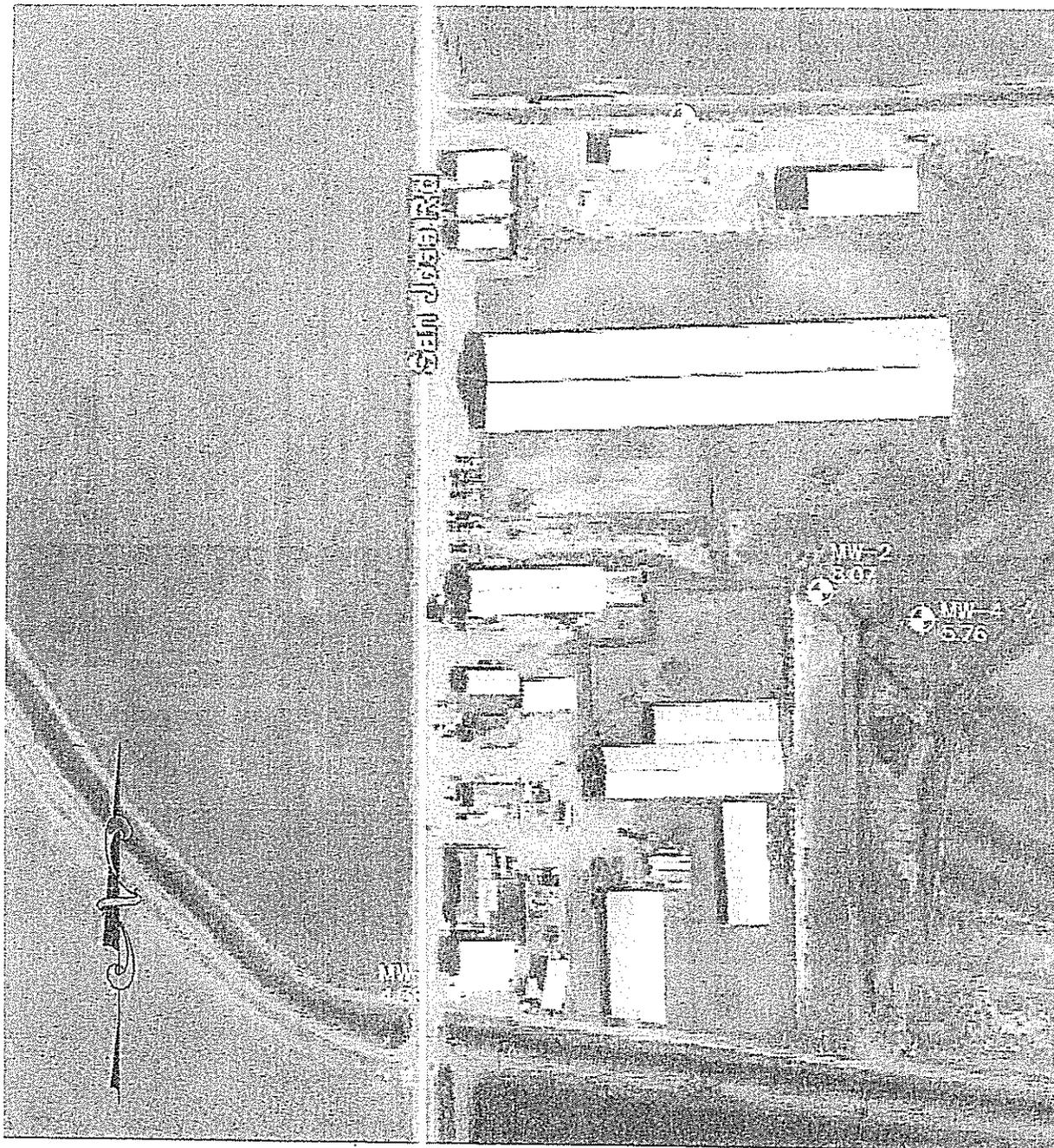
Attachments: Figure 1, Site Map  
Figure 2, Groundwater Gradient 7/3/2013  
Figure 3, MW-3 Well Repair  
Lab Test Results  
Spreadsheet



NOTE: ELEVATIONS SHOWN ARE  
TO THE NORTH EDGE OF THE  
WELL CASING AND ARE ON THE  
NAV88 DATUM

LEGEND

MONITORING WELL



GRAPHIC SCALE

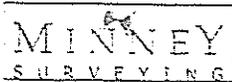


( IN FEET )  
1 inch = 200 ft.

MONITORING WELL LOCATION EXHIBIT  
TOSTA DAIRY  
20662 SAN JOSE ROAD  
TRACY, CA

DRAWN BY:  
AMS

DATE:  
6-26-13



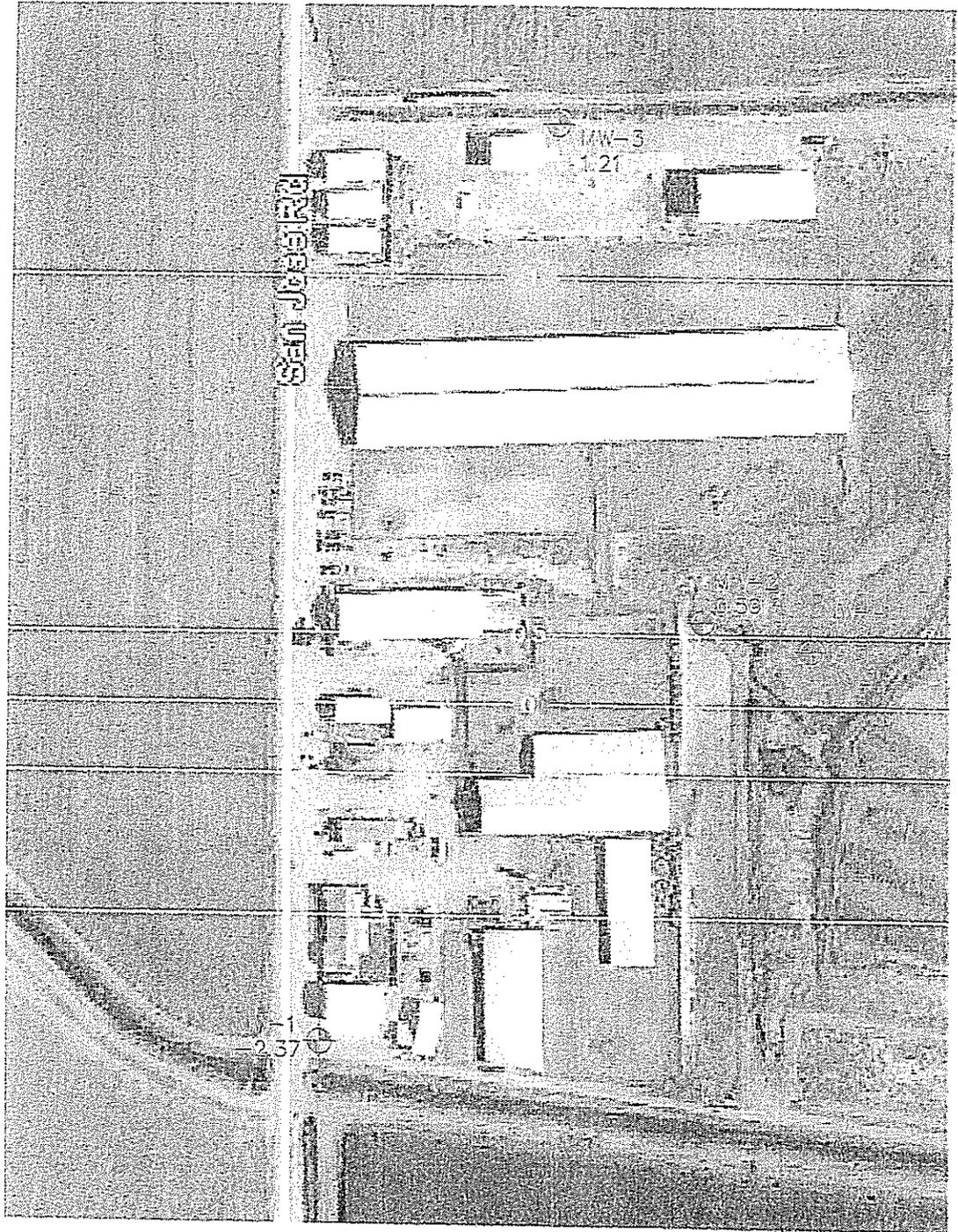
3757 CHESSA LANE  
CLOVIS, CA 93619  
(559) 322-8235

[www.minneysurveying.com](http://www.minneysurveying.com)

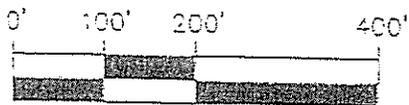
LEGEND

JOB F12033A  
FIGURE 2

 MONITORING WELL



GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft.

GROUNDWATER CONTOURS 7/3/2013  
TOSTA DAIRY  
20662 SAN JOSE ROAD  
TRACY, CA

DRAWN BY:  
AMS

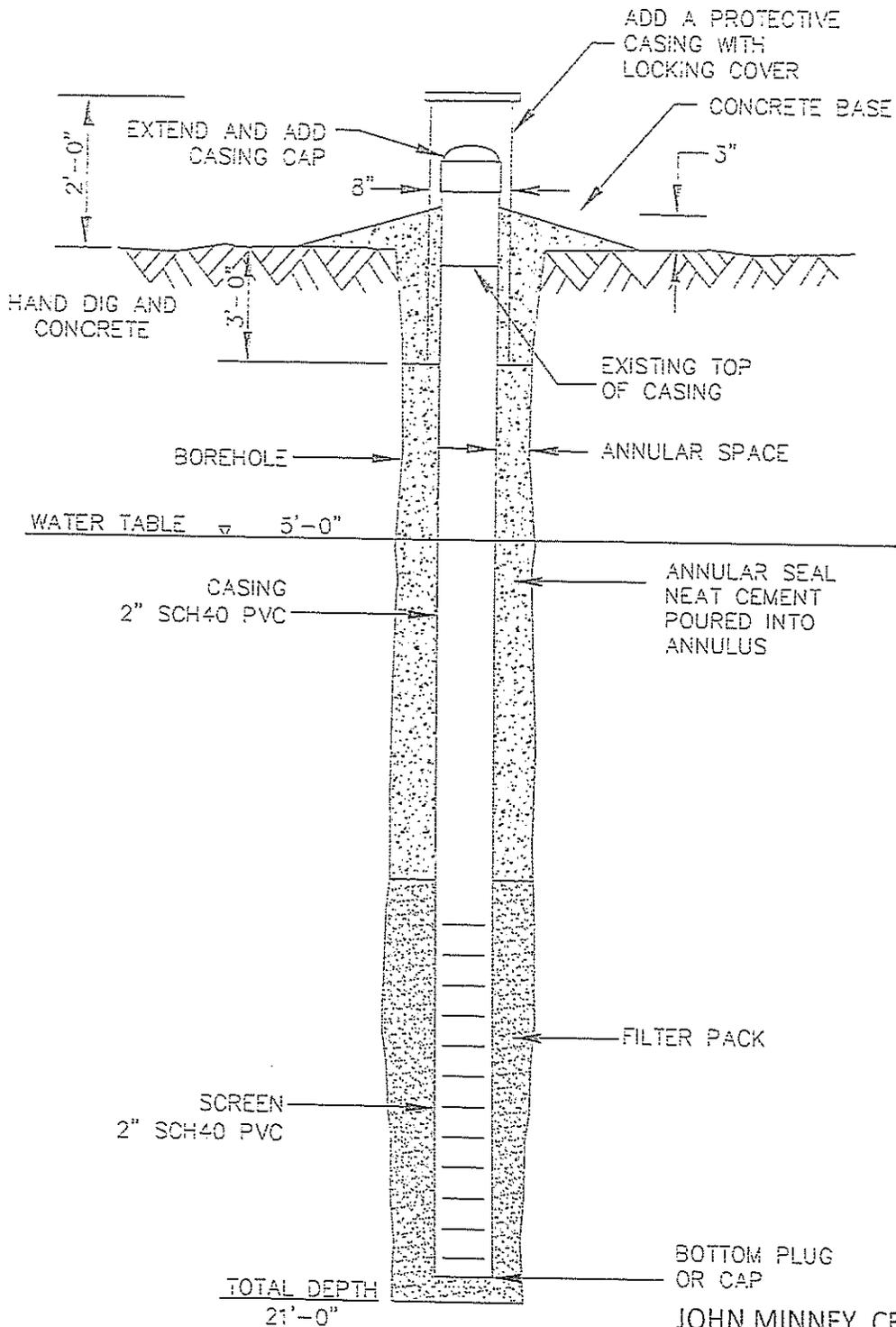
DATE:  
8-23-13

**MINNEY**  
SURVEYING

3757 CHESSA LANE  
CLOVIS, CA 93619  
(559) 322-8235  
www.minneysurveying.com

CROSS SECTION OF A PROPOSED MONITORING WELL  
 TOSTA DAIRY MW-3  
 TRACY, CA

JOB F12033A  
 FIGURE 3



JOHN MINNEY, CE 32537, GE 602  
 17137 ROAD 37  
 MADERA, CA 93636  
 (559) 275-5937  
 jminney@gmail.com

\*NOT TO SCALE

Herbst, Charlene@Waterboards

---

From: Mr. Jeff Fleming <jefflem@dairydesigners.com>  
Sent: Friday, Jul. 20, 2012 3:42 PM  
To: Herbst, Charlene@Waterboards; Davis, Daniel@Waterboards; Corra,  
Gilberto@Waterboards; Walsh, Sean@Waterboards  
Cc: David Avila; Skelton, Chris  
Subject: Fwd: Directive 4 - Cleanup and Abatement Order R5-2012-0708  
Attachments: 42061rgwtr12-199-114.pdf; 42061rgwtr12-199-113.pdf; 12199114 NH4N, NO3N,  
TDS.pdf; 12199114 Total Coliform Ecoli.pdf; 12199113 Total Coliform Ecoli.pdf;  
12199113 NH4N, NO3N, TDS.pdf; Henry Tosta Dairy- MWs.jpg

These are the lab results for monitoring well samples taken Monday, 16 July 2012. Note these are at the Henry Tosta Dairy. Monitor well 1 is southernmost, MW2 is in the middle, near the settling pond, and MW3 is northernmost. A locator map is included. Depth and depth to water readings will be included in a following email.

Jeff Fleming

Western Dairy Design Associates, Inc.

OFF: 209-846-8674

CEL: 209-840-0363

FAX: 209-846-8654

[jefflem@dairydesigners.com](mailto:jefflem@dairydesigners.com)

# A & L WESTERN AGRICULTURAL LABORATORIES

1311 WOODLAND AVE #1 • MODESTO, CALIFORNIA 95351 • (209) 529-4080 • FAX (209) 529-4736



REPORT NUMBER: 12-110-114

CLIENT: 42006-D

SUBMITTED BY: JEFF LEE-MING

SEND TO: WESTERN DAIRY DESIGN ASSOC, INC  
310 WEST F STREET, SUITE 100  
OAKDALE, CA 95361

GROWER: 053-13

DATE OF REPORT: 07/19/12

## IRRIGATION WATER ANALYSIS REPORT

PAGE: 1

Sample ID	Lab Number	Sodium Na meq/L	Calcium Ca meq/L	Magnesium Mg meq/L	Carbonate CO <sub>3</sub> meq/L	Bicarbonate HCO <sub>3</sub> meq/L	Chloride Cl meq/L	Conductivity E.C. (dS/m)	pH	Copper Cu ppm	Iron Fe ppm	Manganese Mn ppm	Zinc Zn ppm
MW-1	61701	46.14	32.09	30.67	0.00	7.90	86.46	12.66	7.3				
MW-3	61702	35.48	29.34	13.82	0.00	11.34	36.49	7.82	7.3				

Sample ID	Phosphorus P ppm	Potassium K ppm	Nitrate NO <sub>3</sub> ppm	Sulfate SO <sub>4</sub> ppm	Boron B ppm	Dissolved Solids ppm	Adjusted S.A.R.	Langglier Saturation Index	NOTES:
MW-1	0.12	20.6	7	1013	1.67	6668	40.52		This report applies only to the sample(s) tested. Samples are retained a minimum of thirty days after testing.  <i>M. J. Buller</i> Mike Buller, CPA A & L WESTERN LABORATORIES, INC.
MW-3	0.02	5.3	6	1017	5.66	5192	11.36		

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 1311 Woodland Avenue, Suite 1 • Modesto, California 95351 • (209) 529-4080



Report No: 42-100-114

Account No: 4206-D

Send to: WESTERN DAIRY DESIGN  
 316 W. F STREET SUITE 100  
 OAKDALE, CA 95361

Submitted by: Jeff Fleming

Date Received: 07/17/2012  
 Date Reported: 07/19/2012

WESTERN DAIRY DESIGN

Analyte: Ammonia Nitrogen Nitrate Nitrogen T.D.S.  
 Detection Limit: 0.05 mg/L 0.5 mg/L 10 mg/L  
 Method Detection: SM 4500-NH<sub>3</sub> H SM 4500-NH<sub>3</sub> B SM 2540 C

Lab Number:	Sample Id:	Ammonia Nitrogen mg/L	Nitrate Nitrogen mg/L	T.D.S. Mg/L
61701	MW-1	1.3	1.6	10329
61702	MW-3	0.4	1.4	5460

ALL INDICATED THE LEVELS ARE BELOW THE ESTABLISHED DETECTION LIMIT FOR THIS ANALYTE.

A & L Western Agricultural Laboratories

*Robert Buttenfield*

Robert Buttenfield  
 Laboratory Director

**A & L WESTERN AGRICULTURAL LABORATORIES, INC.**  
1311 Woodland Avenue, Suite 1 • Modesto, California 95351 • (209) 529-4080

Report No: 12-199-113

Account No: 4206-D

Send To: WESTERN DAIRY DESIGN  
316 W. F STREET, SUITE 100  
OAKDALE, CA 95361

Project: 053-13

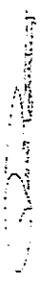
Submitted by: Jeff Fleming

Date Received: 07/17/2012  
Date Reported: 07/19/2012

PALESTINE, WISCONSIN

Lab Number:	Sample ID:	Total Coliform MPN/100 ml	E.coli MPN/100 ml
G1700	MW-2 7/16 6:04	>200.5	<1.0

A & L Western Agricultural Laboratories



Robert Butterfield  
Laboratory Director

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REPORT NUMBER: 12-199-113

CLIENT: 4206-D

SUBMITTED BY: JEFF FLEMING

SEND TO: WESTERN DAIRY DESIGN ASSOC, INC  
316 WEST F STREET, SUITE 100  
OAKDALE, CA 95361

GROWER: 05-3-13

## IRRIGATION WATER ANALYSIS REPORT

DATE OF REPORT: 07/19/12

PAGE: 1

Sample ID	Lab Number	Sodium Na meq/l	Calcium Ca meq/l	Magnesium Mg meq/l	Carbonate CO <sub>3</sub> meq/l	Bicarbonate HCO <sub>3</sub> meq/l	Chloride Cl meq/l	Conductivity E.C. dS/m	pH	Copper Cu ppm	Iron Fe ppm	Manganese Mn ppm	Zinc Zn ppm
MW-2	61700	72.53	26.40	44.65	0.00	20.00	91.48	16.62	7.4				

Sample ID	Phosphorus P ppm	Potassium K ppm	Nitrate NO <sub>3</sub> ppm	Sulfate SO <sub>4</sub> ppm	Boron B ppm	Dissolved Solids ppm	Adjusted S.A.R.	Langlier Saturation Index	NOTES:
MW-2	0.63	28.4	679	2223	9.66	10745	14.75		<p>This report applies only to the sample(s) tested. Samples are retained a maximum of thirty days after testing.</p> <p><i>MJ, affres</i></p> <p>Mike Buldras, C/P/Ag</p> <p>A &amp; L WESTERN LABORATORIES, INC.</p>

**A & L WESTERN AGRICULTURAL LABORATORIES, INC.**  
1311 Woodland Avenue, Suite 1 • Modesto, California 95351 • (209) 529-4080

Report No: 12-199-114

Account No: 4206-D

Send To: WESTERN DAIRY DESIGN  
316 W. F STREET, SUITE 100  
OAKDALE, CA 95361

Project: 053-13

Submitted by: Jeff Fleming

Date Received: 07/17/2012  
Date Reported: 07/19/2012



Lab Number:	Sample ID:	Total Coliform MPN/100 ml	E.coli MPN/100 mL
61701	MW-1 7/16 3:29	>200.5	<1.0
61702	MW-3 7/16 4:00	165.2	<1.0

A & L Western Agricultural Laboratories

Robert Butterfield  
Laboratory Director

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Report No: 12-109-113

Account No: 4206-F

Send to: WESTERN DAIRY DESIGN  
 316 W. F STREET SUITE 100  
 OAKDALE, CA 95361

Project ID: 053-13

Submitted by: Jeff Fleming



Date Received: 07/17/2012  
 Date Reported: 07/19/2012



Analyte: Ammonia Nitrogen Nitrate Nitrogen T.D.S.  
 Detection Limit: 0.05 mg/L 2.5 mg/L 10 mg/L  
 Method Detection: SIM 4500-NH<sub>3</sub> H SIM 4500-NH<sub>3</sub> B SIM 2540 C

Lab Number:	Sample Id:	Ammonia Nitrogen	Nitrate Nitrogen	T.D.S.
61700	MW-2	mg/L	mg/L	mg/L
		0.6	153	14296

DO NOT INDICATE THE LEVELS BELOW THE ESTABLISHED DETECTION LIMIT FOR THAT ANALYTE.

A & L Western Agricultural Laboratories

Robert Butterfield  
 Laboratory Director

Herbst, Charlene@Waterboards

From: Mr. Jeff Fleming <jefflem@dairydesigners.com>  
Sent: Friday, July 20, 2012 4:25 PM  
To: Herbst, Charlene@Waterboards; Davis, Daniel@Waterboards; Corral  
Gilberto@Waterboards; Walsh, Sean@Waterboards  
Cc: David Avila; Skelton Chris  
Subject: Sounding Data - Directive 4 Cleanup and Abatement Order R5-2012-0708  
Attachments: B 2012-7-16 Well Purge Data MW1, MW2, MWS.pdf

Here is well sounding data taken 16 July, 2012 for the 3 monitoring wells at Henry Tosta Dairy. Includes depth to water, total depth, water column height, all to the nearest hundredth of a foot, and field readings of temperature, conductivity, ORP, and pH.

Jeff Fleming

Western Dairy Design Associates, Inc.

OFF: 209-848-3674

CEL: 209-840-0363

FAX: 209-848-8854

jefflem@dairydesigners.com

Date: 7/16/2012 Well Pledge Data Well Designated MWV3

15:40 DJW = 7.6 19.79 Water Column Height = TD-DJW= 12.19  
 One well volume = 2.072 Three well volumes = 6.217 Pumping rate = approx 1 gallon

15:49 Started well pumping

16:01 Stopped well pumping

Gallons pumped = approx. 12 Gallons

Time	Temperature (°C)	Conductivity (µS/cm)	ORP	pH	Notes
16:46	22	1908	-75	7.4	
16:58	20.4	1923	54	7.0	
16:00	20.2	1931	-52	7.0	

Well Elevations: Motors Feed #VAVLJL4 Water Table Elevation. Feed #VAVLJL3

ORP = degrees Cobates  
 µS/cm = microSiemens per centimeter  
 ORP = Oxidation Reduction Potential

Date: 7/16/2012 Well Purge Data Well Designated MW#2

11:52 DTW = 0.93 TD = 23.29 Water Column Height = TD-DTW = 16.36  
 One well volume = Started well pumping Three well volumes = 0.344 Pumping rate = approx 1.0 gallon/min  
 N/A Stopped well pumping  
 N/A (Gallons pumped) = approx 0 Gallons

Temperature (C)	Conductivity (µS/cm)	ORP	pH	Redox
22.5	458	169	7	
22.9	534	108	6.9	
23.3	524	110	6.9	

Well Elevations: Feet Water Table Elevation: Feet  
 #VALUE! #VALUE!

ORP = degrees Celsius  
 µS/cm = micromhos/cm per conductance  
 ORP = Oxidation Reduction Potential

7/16/2012 Well Purge Data Well Designated MW1

14:42 D1W = 5.33 ID = 20.01 Water Column Height = TD-D1W = 14.66  
 One well volume = 2.496 Three well volumes = 7.407 Pumping rate = approx. 1.0 gal/min  
 15:11 Started well pumping  
 15:30 Stopped well pumping

Gallons pumped = approx. 19 Gallons

Temperature (°C)	Conductivity (µS/cm)	ORP	pH	Notes
25.3	1400	234	6.9	
24.4	1616	211	7	
23	1929	234	7.2	

Well Elevation: Meters Feet Water Table Elevation: Feet #VALUE!

°C degrees Celsius  
 µS/cm microSiemens per centimeter  
 ORP Oxidation Reduction Potential

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1311 Woodland Avenue, Suite 1 • Modesto, California 95351 • (209) 529-4080

Report No: 12-204-057

Account No: 4206-D

Send To: WESTERN DAIRY DESIGN  
316 W. F STREET, SUITE 100  
OAKDALE, CA 95361

Submitted by: Jeff Fleming

Date Received: 10/10/2012  
Date Reported: 10/17/2012

**BACTERIOLOGICAL PATHOGEN ANALYSIS REPORT**

Lab Number:	Sample ID:	Total Coliform MPN/100 ml	E.coli MPN/100 mL
63042	MW-1 10/09/12 11:51	>200.5	<1.0
63043	MW-2 10/09/12 1:08	83.1	<1.0
63044	MW-3 10/09/12 2:06	2.0	<1.0

A & L Western Agricultural Laboratories



Robert Butterfield  
Laboratory Director

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Report No: 12-284-057

Account No: 4206-D

Send to: WESTERN DAIRY DESIGN  
 316 W. F STREET SUITE 100  
 OAKDALE, CA 95361

Project ID: 053-13

Submitted by: Jeff Fleming

Date Received: 10/10/2012  
 Date Reported: 10/17/2012

**WATER ANALYSIS REPORT**

Analyte: Ammonia Nitrogen Nitrate Nitrogen T.D.S.  
 Defection Limit: 0.05 mg/L 0.5 mg/L 10 mg/L  
 Method Defection: SIM 4500-NH<sub>3</sub>-H SIM 4500-NH<sub>4</sub>-B SM 2540 C

Lab Number:	Sample Id:	Ammonia Nitrogen mg/L	Nitrate Nitrogen mg/L	T.D.S. Mg/L
63642	MW-1 10/09/12 11:51	0.6	BDL	21621
63643	MW-2 10/09/12 1:00	BDL	26	15302
63641	MW-3 10/09/12 2:06	BDL	BDL	7536

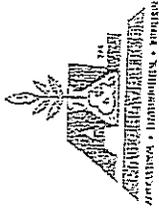
BDL-INDICATED THE LEVEL FOUND IS BELOW THE ESTABLISHED DETECTION LIMIT FOR THAT ANALYTE.

A & L Western Agricultural Laboratories

Robert Butlerfield  
 Laboratory Director

# A & L WESTERN AGRICULTURAL LABORATORIES

1311 WOODLAND AVE #1 • MODESTO, CALIFORNIA 95351 • (209) 529-4080 • FAX (209) 529-4736



REPORT NUMBER: 12-284-057

CLIENT: 4206-D

SUBMITTED BY: JEFF FLEMING

SEND TO: WESTERN DAIRY DESIGN ASSOC, INC  
316 WEST F STREET, SUITE 100  
OAKDALE, CA 95361

GROWER: 053-13

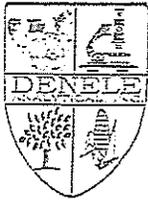
DATE OF REPORT: 10/17/12

## IRRIGATION WATER ANALYSIS REPORT

PAGE: 1

Sample ID	Lab Number	Sodium Na meq/L	Calcium Ca meq/L	Magnesium Mg meq/L	Carbonate CO <sub>3</sub> meq/L	Bicarbonate HCO <sub>3</sub> meq/L	Chloride Cl meq/L	Conductivity E.C. dS/m	pH	Copper Cu ppm	Iron Fe ppm	Manganese Mn ppm	Zinc Zn ppm
MW-1	63642	124.70	97.11	133.60	0.00	5.00	240.90	28.30	7.5				
MW-2	63643	65.53	28.34	46.88	0.00	23.70	75.97	17.20	7.5				
MW-3	63644	37.27	36.28	14.97	0.00	11.75	33.78	8.95	7.6				

Sample ID	Phosphorus P ppm	Potassium K ppm	Nitrate NO <sub>3</sub> ppm	Sulfate SO <sub>4</sub> ppm	Boron B ppm	Dissolved Solids ppm	Adjusted S.A.R.	Langgeller Saturation Index	NOTES:
MW-1	0.08	19.5	< 2	2517	2.19	17825	14.13		This report applies only to the sample(s) tested. Samples are retained a maximum of thirty days after testing.  <i>MJ</i> Mike Bullross, CPA/Ag A & L WESTERN LABORATORIES, INC.
MW-2	0.33	21.6	117	2024	9.39	8957	13.06		
MW-3	<0.01	6.6	< 2	1625	6.26	5319	11.37		



Denele Analytical, Inc.

1232 South Ave. Turlock, CA 95380  
Phone (209) 634-9055 - Fax (209) 634-9057

www.densielab.com

## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93636

Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93636

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/08/2013 5:36 pm

Monitoring Well\_Basic (MW\_B)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-1	13070069A	Nitrate (NO3)		< 50.0	mg/L
		Ammonia Nitrogen (NH3-N)	SM 4500-NH3 C	3.600	mg/L
		Total Nitrogen (TN)		< 0.50	mg/L

Laboratory Quality Control	LCS %	MS %	MSD %	RPD %
Nitrate (NO3)	116.8	123.1		0.39
Ammonia Nitrogen (NH3-N)	99.6	95.6	97.2	1.66

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93536

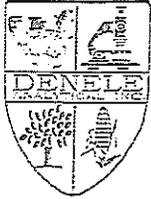
Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93536

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/03/2013 5:36 pm

E. coli=Total+Faecal Coliform - Water (E\_T\_F\_W)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-1	13070069A	Total Coliform (SM9223)	SM 9223	> 24136	MPN/100ml
		Faecal Coliform (SM 9222D)	SM 9222D	< 10	MPN/100ml
		E. Coli (SM9223B)	SM9223B	< 10	MPN/100ml

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## Compliance Analysis Report

Customer  
 John Minney  
 17137 Rd. 37  
 Madera, CA 93636

Grower  
 John Minney  
 17137 Rd. 37  
 Madera, CA 93636

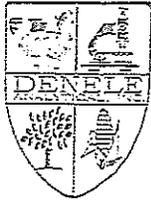
PURCHASE ORDER: N/A  
 RECEIVED DATE: 07/11/2013 4:07 pm  
 SUBMITTED BY: John Minney  
 APPROVED DATE: 09/08/2013 5:36 pm

Monitoring Well - Minerals (MW7)  
 SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-1	13070069A	Bicarbonate Alkalinity (ALK-B)	SM 2320B	300	mg/L
		Carbonate Alkalinity (ALK-C)	SM 2320B	< 2.0	mg/L
		Calcium (Ca)	EPA 200.7	1,200	mg/L
		Magnesium (Mg)	EPA 200.7	921	mg/L
		Sodium (Na)	EPA 200.7	7,890	mg/L
		Sulfate (SO <sub>4</sub> )	EPA 300.0	2,350	mg/L
		Chloride (Cl)	EPA 300.0	3,340	mg/L

Laboratory Quality	LCS %	MS %	MSD %	RPD %
Control:				
Calcium (Ca)	105	101	98.4	4.7
Magnesium (Mg)	104	99.8	98.8	2.4
Sodium (Na)	102	95.8	94.8	1.0
Sulfate (SO <sub>4</sub> )	105.2	124.4	119.7	2.93
Chloride (Cl)	101.8	121.3	123.5	1.86

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93636

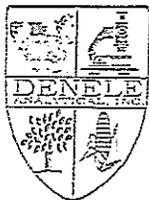
Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93636

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/08/2013 5:36 pm

Total Dissolved Solids (TDS)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-1	13070058A	Total Dissolved Solids (TDS)	SM 2540C	15.200	mg/L

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93636

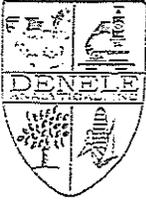
Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93636

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 03/08/2013 5:33 pm

pH (pH)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-1	13079089A	pH (PH)	SM4500-H+B	7.58	Units

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 95336

Grower  
John Minney  
17137 Rd. 37  
Madera, CA 95336

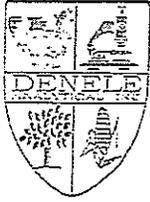
PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/08/2013 5:38 pm

Monitoring Well\_Basic (MW\_B)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-2	13070069B	Nitrate (NO3)		< 50.0	mg/L
		Ammonia Nitrogen (NH3-N)	SM 4500-NH3 C	< 0.50	mg/L
		Total Nitrogen (TN)		< 0.50	mg/L

Laboratory Quality Control	LCS %	MS %	MSD %	RPD %
Nitrate (NO3)	119.8	120.1		5.39
Ammonia Nitrogen (NH3-N)	99.6	95.8	97.2	1.66

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93638

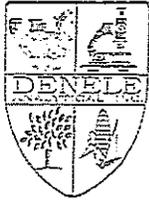
Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93638

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/08/2013 5:36 pm

Total Dissolved Solids (TDS)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-2	13070069B	Total Dissolved Solids (TDS)	SM 2540C	14.600	mg/L

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93638

Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93638

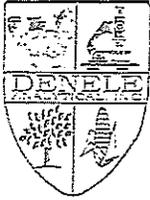
PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 06/06/2013 6:35 pm

Monitoring Well - Minerals (MW7)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-2	13070069B	Bicarbonate Alkalinity (ALK-B)	SM 2320B	1.000	mg/L
		Carbonate Alkalinity (ALK-C)	SM 2320B	< 2.0	mg/L
		Calcium (Ca)	EPA 200.7	517	mg/L
		Magnesium (Mg)	EPA 200.7	1,050	mg/L
		Sodium (Na)	EPA 200.7	6,560	mg/L
		Sulfate (SO <sub>4</sub> )	EPA 300.0	5,960	mg/L
		Chloride (Cl)	EPA 300.0	4,530	mg/L

Laboratory Quality Control	LCS %	MS %	MSD %	RPD %
Calcium (Ca)	105	101	95.2	4.7
Magnesium (Mg)	104	99.9	96.2	2.4
Sodium (Na)	102	95.6	94.8	1.0
Sulfate (SO <sub>4</sub> )	109.2	124.4	119.7	2.63
Chloride (Cl)	101.6	121.3	125.5	1.65

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93636

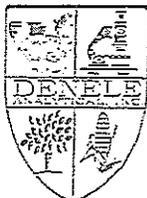
Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93636

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/09/2013 5:36 pm

E. coli+Total+Fecal Coliform - Water (E\_T\_F\_W)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-2	13070069B	Total Coliform (SM9223)	SM 9223	3.0	MPN/100ml
		Fecal Coliform (SM 9222D)	SM 9222D	< 10	MPN/100ml
		E. Coli (SM9223B)	SM9223B	< 1.0	MPN/100ml

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Denele Analytical, Inc.

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Phone (209) 634-9055 - Fax (209) 634-9057

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93636

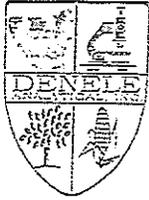
Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93636

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/06/2013 5:36 pm

pH (pH)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-2	13070069B	pH (PH)	SM4500-H+5	7.56	Units

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93638

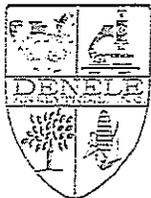
Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93638

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/08/2013 5:38 pm

Total Dissolved Solids (TDS)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-3	13070069C	Total Dissolved Solids (TDS)	SM 2540C	7.190	mg/L

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www.denelelab.com

## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93636

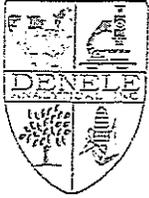
Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93636

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:37 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/03/2013 5:38 pm

pH (pH)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
11W-3	13070069C	pH (PH)	SM4500-H+B	7.51	Units

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Vacera, CA 95336

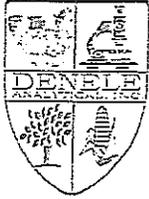
Grower  
John Minney  
17137 Rd. 37  
Vacera, CA 95336

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/08/2013 5:38 pm

E. coli+Total+Fecal Coliform - Water (E\_T\_F\_W)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
LAW-3	13070089C	Total Coliform (SM9223)	SM 9223	2,143	MPN/100ml
		Fecal Coliform (SM 9222D)	SM 9222D	< 10	MPN/100ml
		E. Coli (SM9223B)	SM9223B	< 10	MPN/100ml

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## Compliance Analysis Report

Customer  
 John Minney  
 17137 Rd. 57  
 Madera, CA 93536

Grower  
 John Minney  
 17137 Rd. 57  
 Madera, CA 93536

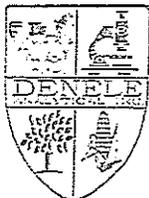
PURCHASE ORDER: N/A  
 RECEIVED DATE: 07/11/2013 4:07 pm  
 SUBMITTED BY: John Minney  
 APPROVED DATE: 08/08/2013 5:36 pm

Monitoring Well - Minerals (MW7)  
 SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-3	13070089C	Bicarbonate Alkalinity (ALK-B)	SM 2320B	560	mg/L
		Carbonate Alkalinity (ALK-C)	SM 2320B	< 2.0	mg/L
		Calcium (Ca)	EPA 200.7	708	mg/L
		Magnesium (Mg)	EPA 200.7	258	mg/L
		Sodium (Na)	EPA 200.7	1,090	mg/L
		Sulfate (SO <sub>4</sub> )	EPA 300.0	3,250	mg/L
		Chloride (Cl)	EPA 300.0	1,300	mg/L

Laboratory Quality Control	LCS %	MS %	MSD %	RPD %
Calcium (Ca)	105	101	95.4	4.7
Magnesium (Mg)	104	98.9	95.8	2.4
Sodium (Na)	102	95.8	94.9	1.0
Sulfate (SO <sub>4</sub> )	109.2	124.4	119.7	3.93
Chloride (Cl)	101.5	121.3	123.5	1.58

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93636

Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93636

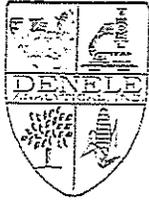
PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:07 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/08/2013 6:36 pm

Monitoring Well\_Basic (MW\_B)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-3	13070069C	Nitrate (NO3)		< 25.0	mg/L
		Ammonia Nitrogen (NH3-N)	SM 4500-NH3 C	< 0.50	mg/L
		Total Nitrogen (TN)		< 0.50	mg/L

Laboratory Quality Control	LCS %	MS %	MSD %	RPD %
Nitrate (NO3)	119.8	123.1		0.39
Ammonia Nitrogen (NH3-N)	99.6	95.8	97.2	1.65

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Denele Analytical, Inc.

1232 South Ave. Turlock, CA 95380  
Phone (209) 634-9055 - Fax (209) 634-9057

www.denelelab.com

### Compliance Analysis Report

Customer  
John Minney  
17137 Rc. 37  
Madera, CA 93636

Grower  
John Minney  
17137 Rc. 37  
Madera, CA 93636

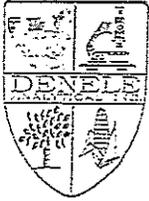
PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:21 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/05/2013 5:36 pm

Monitoring Well\_Basic (MW\_B)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW4	13070070A	Nitrate (NO3)		< 25.0	mg/L
		Ammonia Nitrogen (NH3-N)	SM 4500-NH3 C	< 0.50	mg/L
		Total Nitrogen (TN)		< 0.50	mg/L

Laboratory Quality Control	LCS %	MS %	MSD %	RPD %
Nitrate (NO3)	118.6	120.1		0.38
Ammonia Nitrogen (NH3-N)	99.6	96.6	97.2	1.66

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93636

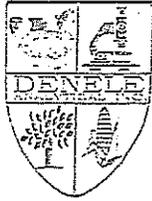
Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93636

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:21 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/08/2013 5:36 pm

E. coli+Total+Fecal Coliform - Water (E\_T\_F\_W)  
SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-4	13070070A	Total Coliform (SM9223)	SM 9223	185	MPN/100ml
		Fecal Coliform (SM 9222D)	SM 9222D	< 10	MPN/100ml
		E. Coli (SM9223B)	SM9223B	< 10	MPN/100ml

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Denele Analytical, Inc.

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www.denelab.com

## Compliance Analysis Report

**Customer**

John Minney  
17137 Rd. 37  
Madera, CA 93836

**Grower**

John Minney  
17137 Rd. 37  
Madera, CA 93836

PURCHASE ORDER: N/A

RECEIVED DATE: 07/11/2013 4:21 pm

SUBMITTED BY: John Minney

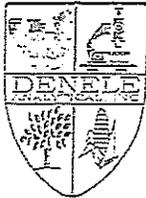
APPROVED DATE: 08/06/2013 5:36 pm

Total Dissolved Solids (TDS)

SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-4	13070070A	Total Dissolved Solids (TDS)	SM 2540C	9.760	mg/L

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www.denelelab.com

## Compliance Analysis Report

Customer  
 John Minney  
 17137 Rd. 37  
 Madera, CA 93638

Grower  
 John Minney  
 17137 Rd. 37  
 Madera, CA 93638

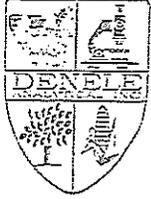
PURCHASE ORDER: N/A  
 RECEIVED DATE: 07/11/2013 4:21 pm  
 SUBMITTED BY: John Minney  
 APPROVED DATE: 08/08/2013 5:36 pm

Monitoring Well - Minerals (MW7)  
 SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
MW-4	13070070A	Bicarbonate Alkalinity (ALK-B)	SM 2320B	520	mg/L
		Carbonate Alkalinity (ALK-C)	SM 2320B	< 2.0	mg/L
		Calcium (Ca)	EPA 200.7	960	mg/L
		Magnesium (Mg)	EPA 200.7	557	mg/L
		Sodium (Na)	EPA 200.7	1,320	mg/L
		Sulfate (SO4)	EPA 300.0	2,310	mg/L
		Chloride (Cl)	EPA 300.0	4,410	mg/L

Laboratory Quality Control	LCS %	MS %	MSD %	RPD %
Calcium (Ca)	105	101	95.4	-1.7
Magnesium (Mg)	104	99.9	93.6	2.4
Sodium (Na)	102	95.8	94.8	1.0
Sulfate (SO4)	103.2	124.4	119.7	2.93
Chloride (Cl)	101.8	121.3	123.5	1.66

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Denele Analytical, Inc.

1232 South Ave. Turlock, CA 95380

Phone (209) 634-9055 - Fax (209) 634-9057

www.denselab.com

## Compliance Analysis Report

**Customer**

John Minney  
17137 Rd. 37  
Madera, CA 93636

**Grower**

John Minney  
17137 Rd. 37  
Madera, CA 93636

PURCHASE ORDER: N/A

RECEIVED DATE: 07/11/2013 4:21 pm

SUBMITTED BY: John Minney

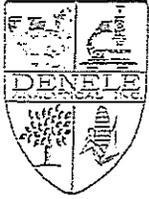
APPROVED DATE: 08/06/2013 6:36 pm

pH (pH)

SOURCE: Well Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
13W4	13670070A	pH (PH)	SM4500-H+5	7.73	Units

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## Compliance Analysis Report

Customer  
John Minney  
17137 Rd. 37  
Madera, CA 93636

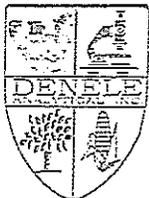
Grower  
John Minney  
17137 Rd. 37  
Madera, CA 93636

PURCHASE ORDER: N/A  
RECEIVED DATE: 07/11/2013 4:22 pm  
SUBMITTED BY: John Minney  
APPROVED DATE: 08/06/2013 5:36 pm

Total Fixed Solids (TFS)  
SOURCE: Process Waste Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
Pond	13070071A	Fixed Dissolved Solids (FDS)	SM 2540C	2.740	mg/L

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1232 South Ave. Turlock, CA 95380

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## Compliance Analysis Report

**Customer**

John Minney  
17137 Rd. 37  
Madera, CA 93636

**Grower**

John Minney  
17137 Rd. 37  
Madera, CA 93636

PURCHASE ORDER: N/A

RECEIVED DATE: 07/11/2013 4:22 pm

SUBMITTED BY: John Minney

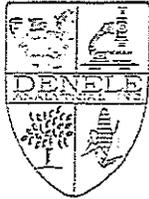
APPROVED DATE: 08/08/2013 5:36 pm

pH (pH)

SOURCE: Process Waste Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units
Pond	13070671A	pH (PH)	SM4500-H+B	7.82	Units

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Denele Analytical, Inc.

1232 South Ave. Turlock, CA 95380  
 Phone (209) 634-9055 - Fax (209) 634-9057

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## Compliance Analysis Report

Customer  
 John Minney  
 17137 Rd. 37  
 Madera, CA 93635

Grower  
 John Minney  
 17137 Rd. 37  
 Madera, CA 93635

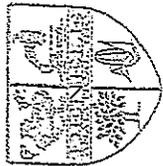
PURCHASE ORDER: N/A  
 RECEIVED DATE: 07/11/2013 4:22 pm  
 SUBMITTED BY: John Minney  
 APPROVED DATE: 08/08/2013 5:38 pm

Processed Water - H3 & H5 (H5)  
 SOURCE: Process Waste Water

Sample ID	Lab ID	Analyte	Method Ref	Result	Units	Lbs/10K Gallons
Pond	13070071A	Electrical Conductivity (EC)	EPA 120.1	5.86	mmhos/cm	N/A
		Soluble Salts (SALT-SOL)		2750	ppm	N/A
		Calcium (Ca)	EPA 200.7	160	mg/L	13.3
		Magnesium (Mg)	EPA 200.7	87.0	mg/L	7.26
		Sodium (Na)	EPA 200.7	389	mg/L	32.5
		Potassium (K)	EPA 200.7	650	mg/L	54.2
		Chloride (Cl)	EPA 300.0	773	mg/L	64.6
		Total Kjeldahl Nitrogen (TKN)	SM 4500-NH3 C	258	mg/L	21.5
		Ammonium Nitrogen (NH4-N)	SM 4500-NH3 C	154	mg/L	12.3
		Phosphorus (P)	SM 4500-P E	31.38	mg/L	2.67
		Total Dissolved Solids (TDS)	SM 2540C	3,480	mg/L	290
		Sulfate (SO4)	EPA 300.0	13.7	mg/L	1.14
		Bicarbonate Alkalinity (ALK-B)	SM 2320B	1,940	mg/L	162
		Carbonate Alkalinity (ALK-C)	SM 2320B	< 2.0	mg/L	0

Laboratory Quality Control	LCS %	MS %	MSD %	Dup mg/L	Sample mg/L	RPD %
Calcium (Ca)	101	106	103			2.9
Magnesium (Mg)	101	101	99.7			1.3
Sodium (Na)	102	94.6	94.2			3.42
Potassium (K)	101	93.3	92.9			0.43
Chloride (Cl)	101.8	101.6	103.5			1.88
Total Kjeldahl Nitrogen (TKN)	101	96.6	96.5			0.0
Ammonium Nitrogen (NH4-N)	104	92.4	92.2			2.8
Phosphorus (P)	90.7	74.6	101.6			4.33
Total Dissolved Solids (TDS)				5,190	5,920	4.5
Sulfate (SO4)	109.2	124.4	119.7			3.69

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**DENELE ANALYTICAL, INC.**  
 1232 SOUTH AVENUE  
 TURLOCK, CA 95380

PH# 209-634-9055 FAX# 209-634-9057

**DAIRY COMPLIANCE**

Authorized Copy Released To:

California Department of Pesticide Regulation

Client: California Department of Pesticide Regulation

Mailing address: 1232 South Avenue, Turlock, CA 95380

Phone#: 209-634-9055

Sampled By: John (J) / (J) / (J)

Project ID: 1100331

**ANALYSIS TO BE COMPLETED:**

**IRRIGATION/GROUND WATER**

- H1 EC\*, NO3-N, NH4-N\*
- H6 EC, TN, TDS
- H7 Combination of H1 & H6
- H14 EC, NO3-N, NH4-N, Ca, Mg, Na, Bicarb Carb, SO4, Cl, TDS

**DISCHARGE WATER**

- E1 EC\*, Temp\*, pH\*, NO3-N, NH3-N, NH4-N, TKN, TP, K, TDS, Dissolved Oxygen\*, BOD 5, TSS, Total & Fecal Coliforms
- E2 EC\*, Temp\*, pH\*, NO3-N, NH3-N\*, NH4-N\*, Turbidity, TP, Dissolved Oxygen\*, Total & Fecal Coliforms
- E3 EC\*, Temp\*, pH\*, NO3-N, NH3-N\*, NH4-N\*, TP, Total & Fecal Coliforms
- E4 EC\*, Temp\*, pH\*, NO3-N, NH3-N\*, NH4-N\*, Turbidity, TP, Total & Fecal Coliforms

**MANURE**

- M1 % Moisture
- M3 TN TP, K, % Moisture
- M4 Ca, Mg, Na, Bicarb, Carb, SO4, Cl, Ash
- M7 Combination of M3 & M4

**PROCESS WASTE WATER**

- H3 EC\*, NH4-N, TKN, TP, K, TDS
- H4 EC\*, NO3-N, NH4-N, TKN, TP, K, TDS
- H5 Ca, Mg, Na, Bicarb, Carb, SO4, Cl
- H8 Combination of H3 & H5
- H9 Combination of H4 & H6

**PLANT TISSUE**

- F18 % Moisture, Ash, TN, P, K, DM and as received
- F19+ % Moisture, Ash, TN, P, K, DM and as received (Package also includes NIR DGAD)
- F19+ % Moisture, TN (Package includes complete plant tissue analysis)

**TILE DRAIN**

- H2 EC\*, NO3-N, TP, NH4-N\*, TDS

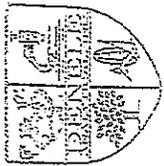
\*Residual Field Measurement

..... (Check here if not formed)

Date Collected	Time Collected	Sample ID	Description	Temp	Well Plungo	Analysis
11/13/10	11:10	MW-1	Groundwater	20.0	Yes	EC, NO3-N, NH4-N, TKN, TP, K, TDS, Dissolved Oxygen*, BOD 5, TSS, Total & Fecal Coliforms
11/13/10	11:15	MW-2	Groundwater	20.0	Yes	EC, NO3-N, NH4-N, TKN, TP, K, TDS, Dissolved Oxygen*, BOD 5, TSS, Total & Fecal Coliforms
11/13/10	11:20	MW-3	Groundwater	20.0	Yes	EC, NO3-N, NH4-N, TKN, TP, K, TDS, Dissolved Oxygen*, BOD 5, TSS, Total & Fecal Coliforms

**CHAIN OF CUSTODY RECORDING**

Signature	Company	Received Date & Time	Relinquished Date & Time	LABORATORY USE ONLY
<u>[Signature]</u>	<u>DENELE ANALYTICAL, INC.</u>	<u>11/13/10 11:30</u>	<u>11/13/10 11:30</u>	Logged in By: <u>[Signature]</u> LABORATORY NUMBER: <u>1100331</u>



**DENELE ANALYTICAL, INC.**  
 1232 SOUTH AVENUE  
 TURLOCK, CA 95380

**DAIRY COMPLIANCE**

PH# 209-634-9055 FAX# 209-634-9057

Client: WALSH MILK  
 Mailing address: 11337 ROAD 37  
 (not facility address) DAIRY ROAD 37  
 Phone#: 209 728 3937

Authorized Copy Released To:

THANKS TO DENIELE

Sampled By: RLB  
 Project ID: 11337

**ANALYSIS TO BE COMPLETED:**

**IRRIGATION/GROUND WATER**

- H1 EC, NO3-N, NH4-N\*
- H6 FC, TN, TDS
- H7 Combination of H1 & H6
- H14 EC, NO3-N, NH4-N, Ca, Mg, Na, Bicarb
- Carb, SO4, Cl, TDS

**PROCESS WASTE WATER**

- H3 EC, NH4-N, TKN, TP, K, TDS
- H4 EC, NO3-N, NH4-N, TKN, TP, K, TDS
- H5 Ca, Mg, Na, Bicarb, Carb, SO4, Cl
- H8 Combination of H3 & H5
- H9 Combination of H4 & H5

**TILE DRAIN**

- H2 EC, NO3-N, TP, NH4-N\*, TDS

\* Required Flit Measurement

(Check here if performed)

**DISCHARGE WATER**

- E1 EC, Temp, pH, NO3-N, NH3-N, NH4-N, TP, K, TDS, Dissolved Oxygen\*
- ROD S, LSS, Total & Fecal Coliforms
- E2 FC, Temp, pH, NO3-N, NH3-N\*, NH4-N\*, Turbidity, TP, Dissolved Oxygen\*
- Total & Fecal Coliforms

**MANURE**

- E3 EC, Temp, pH, NO3-N, NH3-N\*, NH4-N\*, TP, Total & Fecal Coliforms
- E4 EC, Temp, pH, NO3-N, NH3-N\*, NH4-N\*, Turbidity, TP, Total & Fecal Coliform

**WATER**

- M1 % Moisture
- M3 TN TP, K, % Moisture
- M4 Ca, Mg, Na, Bicarb, Carb, SO4, Cl, Ash
- M7 Combination of M3 & M4

**PLANT TISSUE**

- F1B % Moisture, Ash, TN, P, K, DM and as received
- F1B4 % Moisture, Ash, TN, P, K, DM and as received

(Packaging includes complete plant tissue analysis)

(Packaging includes NIR DCAL)

Date Collected	Time Collected	Description	Temp	Well Purge	Analysis		
					EC	TP	NO3-N
1/13/12	1:15	GRAIN	25.10	YES	14.00	1.00	1.00
2							
3							
4							
5							
6							
7							
8							
9							
10							

**CHAIN OF CUSTODY RECORDING**

Signature: [Signature] Company: WALSH MILK Received Date & Time: 1/13/12 3:00 Relinquished Date & Time: 1/13/12 3:00 (LABORATORY USE ONLY)

1st [Signature] DENIELE ANALYTICAL, INC. Laboratory Number: 11337

2nd [Signature] DENIELE ANALYTICAL, INC. Laboratory Number: 11337



A3H1301

08/22/2013

John Minney  
John Minney Engineering  
17137 Road 37  
Madera Ranchos, CA 93638

Invoice  
A320490

Dear John Minney,

Thank you for selecting BSK Associates for your analytical testing needs. We have prepared this report in response to your request for analytical services. Enclosed are the results of analyses for samples received by the laboratory on 08/14/2013 15:40.

If additional clarification of any information is required, please contact your Client Services Representative, John Montierth at (800) 877-8310 or (559) 497-2888.

BSK ASSOCIATES

John Montierth  
Project Manager



08/22/2013

Case Narrative

Work Order Information

Client Name:	John Minney Engineering	Submitted by:	John Minney
Client Code:	JohnM6937	Shipped by:	Walk-In
Work Order:	ASH1301	COC Number:	
Project:	General	TAT:	7
Client Project:	F12033A	PO #:	

Sample Receipt Conditions

Cooler:	Default Cooler	Temp. °C:	23.3
Containers Intact			
COC/Labels Agree			
Sample(s) arrived at lab on same day sampled.			
Packing Material - Other			
Initial receipt at BSK-FAL			

Report Manager

John Minney

Report Format

Final.rpt



Certificate of Analysis

John Minney  
 John Minney Engineering  
 17137 Road 37  
 Madera Ranchos, CA 93633

Report Issue Date: 08/22/2013 16:57  
 Received Date: 08/14/2013  
 Received Time: 15:40

Lab Sample ID: A3H1301-03  
 Sample Date: 08/14/2013 13:00  
 Sample Type: Composite

Client Project: F12033A  
 Sampled by: John Minney  
 Matrix: Solid

Sample Description: Composite Old & New Manure

General Chemistry

Analyte	Method	Result	RL	Units	RL Mult	Batch	Prepared	Analyzed	Qual
*Alkalinity as CaCO3	SM 2320 B	1900	30	mg/kg	2.0	A309646	08/22/13	08/22/13	X01
Bicarbonate as CaCO3	SM 2320 B	1500	30	mg/kg	2.0	A309646	08/22/13	08/22/13	X01
Carbonate as CaCO3	SM 2320 B	150	30	mg/kg	2.0	A309646	08/22/13	08/22/13	X01
Hydroxide as CaCO3	SM 2320 B	ND	30	mg/kg	2.0	A309646	08/22/13	08/22/13	X01
*Chloride, DI Extract	EPA 800.0	2000	50	mg/kg	10	A309620	08/22/13	08/22/13	X01
*Nitrate as N, DI Extract	EPA 800.0	ND	12	mg/kg	10	A309620	08/22/13	08/22/13	DL01, X01
*pH, Solid at 25°C	EPA 8040B	8.08		pH Units	1	A309668	08/22/13	08/22/13	X01
*pH Temperature in °C		25.1							X01
*Sulfate as SO4, DI Extract	EPA 800.0	130	100	mg/kg	10	A309620	08/22/13	08/22/13	X01
*Total Dissolved Solids, DI WET	SM 2540C	14000	5.0	mg/L	1	A309661	08/22/13	08/22/13	

Metals

Analyte	Method	Result	RL	Units	RL Mult	Batch	Prepared	Analyzed	Qual
*Calcium, DI WET	EPA 801.0B	40	0.40	mg/L	1	A309628	08/22/13	08/22/13	B1,3
*Magnesium, DI WET	EPA 801.0B	73	0.40	mg/L	1	A309628	08/22/13	08/22/13	
*Sodium, DI WET	EPA 801.0B	710	4.0	mg/L	1	A309628	08/22/13	08/22/13	



General Chemistry Quality Control Report

Analyte	Result	RL	Units	Spike Level	Source Result	%REC	RPD	Date Analyzed	Qual
---------	--------	----	-------	-------------	---------------	------	-----	---------------	------

Batch: A309620

Analyst: AJT

Prepared: 08/21/2013

Blank (A309620-BLK1) EPA 300.0 - Quality Control

Chloride, DI Extract	ND	1.0	mg/kg					08/21/13	
Nitrate as N, DI Extract	ND	0.23	mg/kg					08/21/13	
Sulfate as SO4, DI Extract	ND	2.0	mg/kg					08/21/13	

Blank Spike (A309620-BS1) EPA 300.0 - Quality Control

Chloride, DI Extract	50	1.0	mg/kg	50		100	90-110	08/21/13	
Nitrate as N, DI Extract	11	0.23	mg/kg	11		100	90-110	08/21/13	
Sulfate as SO4, DI Extract	50	2.0	mg/kg	50		101	90-110	08/21/13	

Blank Spike Dup (A309620-BSD1) EPA 300.0 - Quality Control

Chloride, DI Extract	50	1.0	mg/kg	50		100	90-110	1	20	08/21/13
Nitrate as N, DI Extract	11	0.23	mg/kg	11		99	90-110	0	20	08/21/13
Sulfate as SO4, DI Extract	51	2.0	mg/kg	50		101	90-110	0	20	08/21/13

Matrix Spike (A309620-MS1) EPA 300.0 - Quality Control

Source: A3H1301-03

Chloride, DI Extract	3500	50	mg/kg	2500	2000	82	80-120			08/22/13	MS02	Low
Nitrate as N, DI Extract	580	12	mg/kg	580	ND	102	80-120			08/22/13		
Sulfate as SO4, DI Extract	2700	100	mg/kg	2500	130	102	80-120			08/22/13		

Matrix Spike Dup (A309620-MSD1) EPA 300.0 - Quality Control

Source: A3H1301-03

Chloride, DI Extract	3600	50	mg/kg	2500	2000	88	80-120	0	20	08/22/13	MS02	Low
Nitrate as N, DI Extract	560	12	mg/kg	580	ND	102	80-120	1	20	08/22/13		
Sulfate as SO4, DI Extract	2700	100	mg/kg	2500	130	102	80-120	0	20	08/22/13		

Batch: A309646

Analyst: CEG

Prepared: 08/22/2013

Blank (A309646-BLK1) SM 2320 B - Quality Control

Alkalinity as CaCO3	ND	3.0	mg/kg							08/22/13		
Bicarbonate as CaCO3	ND	3.0	mg/kg							08/22/13		
Carbonate as CaCO3	ND	3.0	mg/kg							08/22/13		
Hydroxide as CaCO3	ND	3.0	mg/kg							08/22/13		

Blank Spike (A309646-BS1) SM 2320 B - Quality Control

Alkalinity as CaCO3	100	3.0	mg/kg	100		104	80-120			08/22/13		
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Blank Spike Dup (A309646-BSD1) SM 2320 B - Quality Control

Alkalinity as CaCO3	110	3.0	mg/kg	100		105	80-120	1	20	08/22/13		
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Duplicate (A309646-DUP1) SM 2320 B - Quality Control

Source: A3H1301-03

Alkalinity as CaCO3	1800	30	mg/kg	1800		8	10			08/22/13		
Bicarbonate as CaCO3	1700	30	mg/kg	1800		8	10			08/22/13		
Carbonate as CaCO3	140	30	mg/kg	180		11	10			08/22/13	DP11	
Hydroxide as CaCO3	ND	30	mg/kg	ND			10			08/22/13		

Batch: A309661

Analyst: DEH

Prepared: 08/21/2013

Blank (A309661-BLK1) SM 2540C - Quality Control

Total Dissolved Solids, DI WET	ND	5.0	mg/L							08/22/13		
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A3H1301 FINAL 08/22/2013 1657

1414 Stanislaus Street

Fresno, CA 93705

(559) 497-2888

FAX (559) 485-8935

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Environmental Engineering | Geotechnical Engineering | Materials Testing



General Chemistry Quality Control Report

Analyte	Result	RL	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Date Analyzed	Qual
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Batch: A309661 Analyst: DEH Prepared: 08/21/2013

<u>Blank Spike (A309661-BS1)</u>		<u>SM 2540C - Quality Control</u>									
Total Dissolved Solids, DI WET	880	5.0	mg/L	1000		88	70-130			08/22/13	
<u>Duplicate (A309661-DUP1)</u>		<u>SM 2540C - Quality Control</u>									
Total Dissolved Solids, DI WET	14000	5.0	mg/L	14000				1	20	08/22/13	

Batch: A309668 Analyst: RCN Prepared: 08/22/2013

<u>Duplicate (A309668-DUP1)</u>		<u>EPA 9040B - Quality Control</u>									
pH, Solid at 25°C	8.02		pH Units	8.05				1	20	08/22/13	





Certificate of Analysis

08/22/2013

Notes:

- The Chain of Custody document and Sample Integrity Sheet are part of the analytical report.
- Any remaining sample(s) for testing will be disposed of one month from the final report date unless other arrangements are made in advance.
- Sample(s) received, prepared, and analyzed within the method specified criteria unless otherwise noted within this report.
- The results relate only to the samples analyzed in accordance with test(s) requested by the client on the Chain of Custody document. Any analytical quality control exceptions to method criteria that are to be considered when evaluating these results have been flagged and are defined in the data qualifiers section.
- All results are expressed on wet weight basis unless otherwise specified.
- All positive results for EPA Methods 504.1 and 524.2 require the analysis of a Field Reagent Blank (FRB) to confirm that the results are not a contamination error from field sampling steps. If Field Reagent Blanks were not submitted with the samples, this method requirement has not been performed.
- Results contained in this analytical report must be reproduced in its entirety.
- Samples collected by BSK Analytical Laboratories were collected in accordance with the BSK Sampling and Collection Standard Operating Procedures.
- BSK Analytical Laboratories certifies that the test results contained in this report meet all requirements of the NELAP Standards for applicable certified drinking water chemistry analyses unless qualified or noted in the Case Narrative.
- Analytical data contained in this report may be used for regulatory purposes to meet the requirements of the Federal or State drinking water, wastewater, and hazardous waste programs.
- J-value is equivalent to DNQ (Detected, not quantified) which is a trace value. A trace value is an analyte detected between the MDL and the laboratory reporting limit. This result is of an unknown data quality and is only qualitative (estimated). Baseline noise, calibration curve extrapolation below the lowest calibrator, method blank detections, and integration artifacts can all produce apparent DNQ values, which contribute to the unreliability of these values.
- (1) - Residual chlorine and pH analysis have a 15 minute holding time for both drinking and waste water samples as defined by the EPA and 40 CFR 136. Waste water and ground water (monitoring well) samples must be field filtered to meet the 15 minute holding time for dissolved metals.
- \* - This is not a NELAP accredited analyte.
- Summations of analytes (i.e. Total Trihalomethanes) may appear to add individual amounts incorrectly, due to rounding of analyte values occurring before or after the total value is calculated, as well as rounding of the total value.
- RL Multiplier is the factor used to adjust the reporting limit (RL) due to variations in sample preparation procedures and dilutions required for matrix interferences.

Certifications: Please refer to our website for a copy of our Accredited Fields of Testing for each certification.

State of California - ELAP	1180	State of Nevada	04300T92002A
State of California - ELAP (Rancho Cordova)	2435	State of Hawaii	04227CA
State of California - NELAP	04227CA	State of Oregon	401T
State of Washington	0897	State of Oregon - NATPH	4021

Definitions and Flags for Data Qualifiers

mg/L:	Milligrams/Liter (ppm)	MDL:	Method Detection Limit	MDA95:	Min. Detected Activity
mg/Kg:	Milligrams/Kilogram (ppm)	RL:	Reporting Limit: DL x Dilution	MPN:	Most Probable Number
µg/L:	Micrograms/Liter (ppb)	ND:	None Detected at RL	CFU:	Colony Forming Unit
µg/Kg:	Micrograms/Kilogram (ppb)	pOTL:	Picoonnes per Liter	Absent:	Less than 1 CFU/100mLs
%:	Percent Recovered (surrogates)	RL Multi:	RL Multiplier	Present:	1 or more CFU/100mLs
NR:	Non-Reportable				

- X01 Sample analyzed using DISTLO extract per client request
- MS02 Matrix spike recovery was low; the associated blank spike recovery was acceptable.

Certificate of Analysis

08/22/2013

- DP01 Sample Duplicate RPD exceeded the method acceptance limit.
- DL01 Sample required dilution due to matrix or high concentration of non-target analyte.
- BL01 Analyte detected in associated method blank. Reanalysis was not attempted because the reported result was >10x that found in the blank. Sample result may be in part attributable to ambient laboratory background.
- BL02 Analyte present in method blank above reporting limit.

A3H1301



John Minney Engineering

JohnM5937



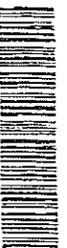
08152013

Turnaround: Standard  
Due Date: 8/23/2013

# BSIK ASSOCIATES

1414 Stephens St., Fresno, CA 93700  
 (559) 497-2818 Fax (559) 497-2883  
 www.bsiassociates.com

A311301  
 JohnM5937



08/14/2011

5

Employee's Information

Required Fields

Report Attention:

John Munnery

Invoice To:

John Munnery

Phone:

Fax:

Email:

Company/Client Name:

John Munnery

Address:

17137 Road 37  
 Modoc 93636

Project #:

F12033A

State:

CA

City:

Modoc

Zip:

93636

PO:

F12033A

Project #:

F12033A

Project #:

F12033A

Project #:

F12033A

Reporting Options:

Direct (L4 Job)

Systems

LHD Type

Supplier Name/Printer/Supplier:

John Munnery

Matrix:

Composite



# Sample Integrity

BSK Bottles: Yes No Page 1 of 1

COC Info		Was temperature within range? Chemistry $\leq 5^{\circ}\text{C}$ Micro $< 10^{\circ}\text{C}$		Yes		No		NA		Were correct containers and preservatives received for the tests requested?		Yes		No		NA		
		If samples were taken today, is there evidence that chilling has begun?		Yes		No		NA		Were there bubbles in the VOA vials? (Volatiles Only)		Yes		No		NA		
		Did all bottles arrive unbroken and intact?		Yes		No				Was a sufficient amount of sample received?		Yes		No				
		Did all bottle labels agree with COC?		Yes		No				Do samples have a hold time <72 hours?		Yes		No				
		Was sodium thiosulfate added to CN samples until chlorine was no longer present?		Yes		No		NA		Was PIM notified of discrepancies?		Yes		No		NA		
		250ml(A) 500ml(B) 1Liter(C) 40ml VOA(V)		Cracks		Passoc?				1-2		2						
Bottles Received	None (P) <sup>White Cap</sup>																	
	Cr. Buffer (P)		pH 9-9.5															
	HNO <sub>3</sub> (P) <sup>Red Cap</sup>																	
	H <sub>2</sub> SO <sub>4</sub> (P)		pH $\leq 2$															
	NaOH (P) <sup>Green Cap</sup>		Cl, pH $\geq 12$															
	NaOH-ZnAc (P)		pH $\geq 8$															
	Dissolved Oxygen 300ml (g)																	
	None (AG) 3051, 3052, 325, 332/3321, 333, 3270																	
	H <sub>2</sub> SO <sub>4</sub> (AG) <sup>Yellow Label</sup> O&G, Diesel																	
	Na <sub>2</sub> S <sub>2</sub> O <sub>3</sub> (AG) <sup>Blue Label</sup> 547, 545, 525, 543																	
	Na <sub>2</sub> S <sub>2</sub> O <sub>3</sub> (AG) <sup>Blue Label</sup> 524, 2 or 524																	
	Na <sub>2</sub> S <sub>2</sub> O <sub>3</sub> (CG) <sup>Blue Label</sup> 504, 505																	
	Na <sub>2</sub> S <sub>2</sub> O <sub>3</sub> (CG) <sup>Orange Cap</sup> 531		pH $\geq 3$															
	NH <sub>4</sub> Cl (AG) <sup>Purple Label</sup> 552																	
	EDA (AG) <sup>Brown Label</sup> BBR																	
	Ascorbic + Maleic (AG) <sup>Light Green Label</sup> 524, 3																	
	HCL (CG) 524, 2, BTEX Gas, MTBE, 8260/824																	
	Buffer pH 4 (CG)																	
	None (CG)																	
	H <sub>3</sub> PO <sub>4</sub> (CG) <sup>Salmor Label</sup>																	
Other:																		
Asbestos 1Liter Plastic w/ Foil																		
Low Level Hg / Metals Double Baggie																		
Bottled Water																		
Clear Glass Jar / 250- / 500- / 1-Liter																		
Soil Tube Brass / Steel / Plastic																		
Tedlar Bag / Plastic Bag																		
Split	Container	Preservative	Date/Time/Initials	Container	Preservative	Date/Time/Initials												
	S P			S P														
Comments	* Pulled & let Dave know run is ready 8/15/13 EV																	

Labeled by: ZK @ 1134  
8/15/13

Labels checked by: ORC @ 1100

RUSH Paged by: [Signature]  
Page 11 of 11



# **EXHIBIT “9”**

## REIMBURSEMENT AND INDEMNITY AGREEMENT

This Reimbursement and Indemnity Agreement (the "**Agreement**"), dated November 19, 2013, is entered into by and between the Echeverria Brothers Dairy General Partnership, its individual partners, and their affiliates, successors and assigns (collectively "**Echeverria Brothers**"), and Henry J. Tosta, Jr. and the Henry J. Tosta, Jr. Family, L.P., a California limited partnership (collectively "**Tosta**"), who agree as follows:

### I. BACKGROUND:

A. Echeverria Brothers and Tosta were issued a Clean Up and Abatement Order ("**CAO**") (R5-2012-0709) and subsequent Administrative Civil Liability Complaint ("**ACL**") (R5-2012--0564) by the Central Valley Regional Water Quality Control Board ("**CVRWQCB**") in 2012 relative to property the Echeverria Brothers own, and is leased by Tosta, in Tracy located at 210070 Reeve Road (the "**Leased Property**").

B. Over several years Tosta allegedly buried dairy herd mortalities on the Leased Property and exercised general management of Leased Property.

C. This burial and general management of the site triggered the CAO and subsequent ACL.

D. The Central Valley Water Quality Control Board ("**CVRWQCB**") as part of the CAO ordered the removal to a landfill of the large volume manure stockpile near the production area that was commingled with mortalities in the past (4-6 years ago), and a groundwater monitoring and mitigation plan.

E. They also ordered a series of related permits and reports.

F. The CVRWQCB has also issued related Order 13267 that requires groundwater reports and perhaps additional mitigation.

### II. AGREEMENT:

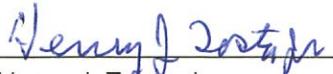
A. Tosta, jointly and severally, agrees to reimburse and indemnify Echeverria Brothers for all costs, expenses, and liabilities that the Echeverria Brothers incur with respect to, in order to comply with, and arising out of the CAO and the ACL, including attorney's fees and costs, including all such costs incurred prior to the date of this Agreement.

B. In addition, Tosta agrees to sign a Deed of Trust encumbering its existing property holdings to provide security and collateral for the reimbursement and indemnity obligation under this Agreement; provided that, the amount of the reimbursement and indemnity obligation that shall be secured pursuant to the Deed of Trust shall not exceed One Hundred Seventy Five Thousand Dollars (\$175,000). This limitation on security shall not otherwise limit the reimbursement and indemnity obligation under this Agreement.

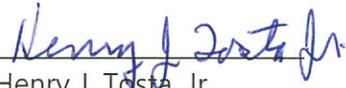
C. This Agreement together with the Deed of Trust is the entire agreement between the parties with regard to the reimbursement and indemnity obligation and the securing thereof, and may not be amended except in writing signed by all parties. The rights and obligations of the parties are to be governed by and construed in accordance with California law. No party shall assign this Agreement or any obligations hereunder without the express written consent of all other parties. In any action to enforce or interpret this Agreement, the prevailing party will be entitled to recover attorneys' fees and costs from the non-prevailing party. No action or want of action on the part of any party hereto at any time to exercise any rights or remedies conferred upon it under this Agreement shall be, or shall be asserted to be, a waiver on the part of any such party of any of its rights or remedies hereunder.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date set forth above.

**TOSTA:**

  
Henry J. Tosta, Jr.

HENRY J. TOSTA, JR. FAMILY, L.P.,  
a California limited partnership

By:   
Henry J. Tosta, Jr.  
General Partner

**ECHEVERRIA BROTHERS:**

ECHEVERRIA BROTHERS DAIRY,  
a California General Partnership

By: \_\_\_\_\_  
JUAN ECHEVERRIA, Trustee of the JUAN AND  
DOLORES ECHEVERRIA FAMILY TRUST dated  
January 15, 1992, Partner

By: \_\_\_\_\_  
DOLORES ECHEVERRIA, Trustee of the JUAN  
AND DOLORES ECHEVERRIA FAMILY TRUST  
dated January 15, 1992, Partner

By: \_\_\_\_\_  
RAMON ECHEVERRIA, Co-Trustee of the JOSEFA  
ECHEVERRIA SURVIVOR'S TRUST, a subtrust  
created under the PABLO ECHEVERRIA AND  
JOSEFA ECHEVERRIA FAMILY TRUST dated  
January 15, 1992, Partner

**[signatures continue on next page]**

By: \_\_\_\_\_  
EDUARDO ECHEVERRIA, Co-Trustee of the JOSEFA ECHEVERRIA SURVIVOR'S TRUST, a subtrust created under the PABLO ECHEVERRIA AND JOSEFA ECHEVERRIA FAMILY TRUST dated January 15, 1992, Partner

By: \_\_\_\_\_  
RAMON ECHEVERRIA, Co-Trustee of the PABLO ECHEVERRIA FAMILY TRUST A, a subtrust created under the PABLO ECHEVERRIA AND JOSEFA ECHEVERRIA FAMILY TRUST dated January 15, 1992, Partner

By: \_\_\_\_\_  
EDUARDO ECHEVERRIA, Co-Trustee of the PABLO ECHEVERRIA FAMILY TRUST A, a subtrust created under the PABLO ECHEVERRIA AND JOSEFA ECHEVERRIA FAMILY TRUST dated January 15, 1992, Partner

By: \_\_\_\_\_  
RAMON ECHEVERRIA, Co-Trustee of the PABLO ECHEVERRIA MARITAL ELECTIVE INCOME TRUST C, a subtrust created under the PABLO ECHEVERRIA AND JOSEFA ECHEVERRIA FAMILY TRUST dated January 15, 1992, Partner

BY: \_\_\_\_\_  
EDUARDO ECHEVERRIA, Co-Trustee of the PABLO ECHEVERRIA MARITAL ELECTIVE INCOME TRUST C, a subtrust created under the PABLO ECHEVERRIA AND JOSEFA ECHEVERRIA FAMILY TRUST dated January 15, 1992

**[signatures continue on next page]**

By: \_\_\_\_\_  
JAVIER ECHEVERRIA, an individual, Partner

By: \_\_\_\_\_  
RICARDO ECHEVERRIA, an individual, Partner

By: \_\_\_\_\_  
ROSA MARIA BIDART, Co-Trustee of the J. and R.  
Bidart Family Trust dated January 22, 2009,  
Partner