



JANICE K. BREWER
Governor

HERBERT R. GUENTHER
Director

ARIZONA DEPARTMENT OF WATER RESOURCES

3550 North Central Avenue, Second Floor
PHOENIX, ARIZONA 85012-2105
(602) 771-8500

July 16, 2009

Magma Flood Control District
Mr. Kent Pace, President
3850 E. Baseline Rd. Ste. 114
Mesa, AZ 85206

**RE: Magma Retarding Dam (11.05)
Notice of Safety Deficiency - Status Update**

Dear Mr. Pace:

In compliance with Arizona Revised Statutes § 41-1009, this letter is a status update to the Arizona Department of Water Resources (Department) Notice of Safety Deficiency letter dated: 2/4/2009.

Current Safety Classification:

Unsafe Dams with Elevated Risk of Failure

"Unsafe" means that safety deficiencies in a dam or spillway could result in failure of the dam with subsequent loss of human life or significant property damage. A.A.C. R12-15-1202(46.). "Unsafe Dams with Elevated Risk of Failure" means safety deficiencies at the dam could result in failure during a 100-year or smaller flood event. There is an urgent need to repair or remove the dam.

The Department first notified you of this safety classification on: 5/2/1977.

Identified Safety Deficiency:

- Embankment Cracking
- Foundation Concerns

Status Update:

We received the permit application for repair of the dam on June 25, 2009. Thank you for your work towards resolving this matter.



Printed on recycled paper. Each ton of recycled paper saves 7,000 gallons of water.

Emergency Action Plan (EAP) Status:

Emergency Action Plan in place? Yes
Date Received: 12/1/2008

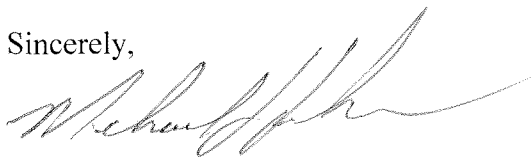
Reservoir Storage Restriction:

None

As required by State Statutes, we will continue to send you a status update to the Notice of Deficiency until this deficiency is satisfactorily corrected or the Department takes further agency action.

Please notify the department promptly of any unusual or alarming condition, which may occur at the dam. If you have any question concerning this letter please contact Ravi Murthy at (602) 771-8656.

Sincerely,



Michael Johnson, Ph.D., P.E.
Assistant Director
Surface Water Division

cc: Alisa Schiebler, Deputy Counsel - ADWR Office of Legal Services
Mr. Stephen Cooper, , McCarville, Cooper & Vasquez, LLP,
Mr. Doug Brown, Environmental Program Supervisor, AZ. Depart. of Admin. - Risk
Management Section
Mr. Ilde Chavez Jr., State Conservation Engineer, Natural Resources Conservation Service
Ms. Luana Capponi, Dam Safety Coordinator, AZ State Land Department

