

# Frederic A. Fudacz

Partner | Los Angeles

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Fred Fudacz is one of the foremost water lawyers in California. His work includes representing water users in complex litigation involving the adjudication of water rights, representing water purveyors with contaminated groundwater supplies and providing a wide range of legal advice to court appointed watermasters. With more than three decades of experience, he has significant trial and negotiating skills.

Fred has secured more than \$700 million worth of contamination settlements in two of the largest groundwater perchlorate pollution cases in the State. He has represented significant clients in landmark water rights adjudications, has been involved in establishing successful groundwater storage programs and provides knowledgeable advice to developers on water reliability strategies.

Fred has been an expert witness on water issues in the courtroom and before the State Water Resources Control Board. He is a frequent speaker on water and groundwater contamination issues to key business and water industry groups and has been named a Southern California Super Lawyer for Environmental Law from 2005-2016.

He is AV Preeminent® Peer Review Rated by Martindale-Hubbell.

## EXPERIENCE

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**Apple Valley Ranchos Water Company.** Served as water rights counsel since the mid-1980s on numerous matters. Served as one of the lead trial and appellate attorneys in the Mojave River Basin adjudication, helping achieve a judgment covering an area the size of Connecticut to which a vast majority of the parties stipulated. Handled proceedings in Riverside Superior Court respecting implementation of the Supreme Court decision in *Barstow v. Mojave Water Agency*. Also advised on rights to reclaimed water discharged to the Mojave River in a matter before the State Water Resources Control Board. Representation includes advising on Safe Drinking Water Act standards and handling water rights transfers.

**Cities of Arroyo Grande, Grover Beach, Pismo Beach and the Oceano Community Services District.** Successfully represented these public water suppliers in the water rights adjudication of the Santa Maria Valley Groundwater Basin. Defeated claims that impairing water rights were superior to clients' rights and prevailed on clients' cross-claims by obtaining declaratory relief and a physical solution to manage the groundwater basin in the future. The litigation involved more than 1,000 parties.

**City of Santa Monica.** Served as counsel to the City in the adjudication of the Charnock Basin. Negotiated a stipulated conclusion to the litigation, which gave Santa Monica total ownership of Basin waters. Served as water rights counsel in the City's successful cost recovery efforts relating to MTBE contamination of Basin supplies.

**Main San Gabriel Basin Watermaster.** Serving as general counsel to the Watermaster, a court-appointed agency charged with implementation of the Main San Gabriel Basin adjudication judgment. Negotiated a landmark settlement of \$650 million with eight companies responsible for groundwater contamination in the San Gabriel Valley. Advising on the determination of safe operating yield, evaluation of proposed assessments, analysis of operations affecting water quality, issues relating to reclaimed water and documentation of transfers of rights.

**Paramount Farming.** Advised on all aspects of the Kern Water Bank transaction, including the formation of a new public entity, relinquishment of entitlements, water rights and all related environmental issues, to create a successful groundwater storage scheme.

**Castaic Lake Water Agency, Newhall County Water District, Santa Clarita Water Company and Valencia Water Company.** Served as lead counsel to a group of water purveyors, successfully obtaining a summary judgment and negotiating a \$100 million settlement for clean up of perchlorate contamination in the Upper Santa Clara River basin. Summary judgment decision against defendants establishing their liability for clean-up costs was published. (272 F. Supp.2d 1053 (2003)).

**Imperial Irrigation District.** Successfully represented the District in an attack on its Equitable Distribution Plan, *Abatti v. IID* (2020) 52 Cal.App.5th 236 and a Proposition 218 challenge to its rate structure, *Morgan v. IID* (2014) 223 Cal. App.4th 892.

**Upper Los Angeles River Area Watermaster.** Provided counsel on issues relating to the water rights judgment for the San Fernando Valley. (*Los Angeles v. California*, Los Angeles Superior Court, Case No. 650079.) Lead counsel in litigation terminating the pumping of water on a large ranch in Little Tujunga Canyon that violated the San Fernando Basin judgment. Also provided legal counsel on determination of water rights, groundwater contamination, reclaimed water and other issues.

**San Gabriel Valley Protective Association.** Represented the Association before the State Water Resources Control Board with regard to rights to reclaimed water discharged to the San Gabriel Basin.

**Raymond Basin Management Board.** Served as special counsel to a judicial entity implementing the Raymond Basin water rights adjudication judgment. Representing the Board in negotiations of a comprehensive conjunctive use agreement with the Metropolitan Water District of Southern California.

**City of Ontario.** Representing the City with respect to water rights in the Chino Basin under a Judgment administered by a Court appointed watermaster.

**Santa Paula Water Works.** Acted as special water rights counsel to Santa Paula Water Works, formerly a large municipal and industrial water producer in the County of Ventura. Represented it with respect to a water rights adjudication in which that utility was involved. Also dealt with valuing all kinds of water rights, both groundwater and surface and evaluating the client's rights relative to agricultural interests and other municipal and industrial water purveyors.

**California Water Service.** Represented this public utility in litigation to amend the water rights Judgments in Southern California's Central and West Basins.

**Mutual Water Companies.** Serving as special counsel to San Antonio Water Company and Fontana Union Water Company, two of the oldest mutuals in California, on a wide range of water issues.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "Groundwater Adjudications and Litigation Alternatives in the Era of the Sustainable Groundwater Management Act (SGMA)," Nossaman's 2018 Water Webinar Series, 06.07.2018

Conference Co-Chair, "The Drought, the Delta & the Future," CLE International's California Water Law Conference, San Francisco, CA, 10.08.2015

Conference Co-Chair, "Balancing Interests in a Time of Drought," CLE International's California Water Law Conference, San Francisco, CA, 11.03.2014

Conference Co-Chair, "Recent Cases & Water in the 21st Century," CLE International's California Water Law Conference, San Diego, CA, 06.12.2014

Speaker, "Basin Adjudication: A Powerful Groundwater Management Tool," Association of Water Agencies of Ventura County Water Symposium, 04.24.2014

Conference Co-Chair, "California Water Law: All Points of View," Water Law Institute and CLE International Conference, San Francisco, CA, 10.28.2013

Conference Co-Chair, "Colorado River: Focus on California," CLE International's California Water Law Conference, Los Angeles, CA, 01.24.2013

Conference Co-Chair, "Legal, Environmental & Regulatory Perspectives," CLE International's California Water Law Conference, San Diego, CA, 05.03.2012

Conference Co-Chair, "8th Annual California Water Law Conference," CLE International's California Water Law Conference, Palm Springs, CA, 11.05.2009

## HONORS & RECOGNITIONS

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Named to *The National Law Journal's* list of "Top 50 Litigation Trailblazers," 2016

Selected to the Southern California Super Lawyers list, 2005-2016

AV Preeminent® Peer Review Rated by Martindale-Hubbell

## PRACTICES

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Water Law

Clean Up of Groundwater & Contaminated Media

Litigation

Environment & Land Use

Water Litigation

## EDUCATION

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Harvard Law School, J.D., 1971, *cum laude*

Stanford University, B.A., 1968, *with distinction*, Phi Beta Kappa

## ADMISSIONS

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California

U.S. Supreme Court