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Attorneys for Main San Gabriel Basin Watermaster

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

UPPER SAN GABRIEL VALLEY
MUNICIPAL WATER DISTRICT,

Plaintiff,

vs.

CITY OF ALHAMBRA, et al.

Defendant.

Case No: C 924 128

Assigned for all purposes to:
Honorable Maureen Duffy-Lewis, Dept. 38

**DECLARATION OF FREDERIC A. FUDACZ
IN SUPPORT OF EX PARTE APPLICATION
REQUESTING CONTINUANCE OF THE
FURTHER STATUS CONFERENCE RE
GOLDEN MUSSEL ISSUES**

Hearing

**Date: February 2, 2026
Time: 8:30 a.m.
Place: Dept. 38**

DECLARATION OF FREDERIC A. FUDACZ

I, Frederic A. Fudacz, declare:

1. I am an attorney at law duly admitted to practice in the State of California. I am a partner at the law firm Nossaman LLP, counsel of record for Main San Gabriel Basin Watermaster ("Watermaster"). Nossaman has represented the court-appointed Watermaster for over 30 years.

2. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently thereto under oath. I make this declaration in support of Watermaster's ex parte application for an order Continuing the Further Status Conference Re Golden Mussel Issues currently set for February 5, 2026 ("Application").

3. The Watermaster is the court-appointed entity responsible for managing water resources for 1.5 million people in the vast San Gabriel Groundwater Basin, which covers an area of approximately 167 square miles. The fresh water storage capacity of the Basin is estimated to be about 8.6 million acre-feet. The Watermaster was appointed by the Court following a multi-party water rights litigation, where the Court entered a Judgment and retained continuing jurisdiction.

4. Attached hereto as Exhibit A is a true and correct copy of a letter from Mark Pestrella, Director of Public Works for the County of Los Angeles, and Chief Engineer of Los Angeles County Flood Control District which was e-mailed to Lynda Noriega, Chair of the Main San Gabriel Basin Watermaster. The letter was received by me by e-mail from Eric Garner, counsel to the Los Angeles County Flood Control District.

5. Mr. Pestrella's letter reflects progress in the ongoing negotiations to restore imported water deliveries to the Main San Gabriel Basin. Additional time to negotiate the terms of the agreement proposed by Mr. Pestrella is needed. Also, I am informed that Mr. Pestrella has a conflicting engagement on February 5, 2026, the date currently set by the

1 Court for the Further Status Conference. As requested by Mr. Pestrella's letter, a continuance
2 would allow him to participate in the Court hearing on the Golden Mussel Issues.

3 I declare under penalty of perjury of the laws of the State of California that the foregoing
4 is true and correct. Executed on January 29, 2026.

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Frederic A. Fudacz

EXHIBIT A



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: **SWE-0**

January 28, 2026

Ms. Lynda Noriega
Board Chair
Main San Gabriel Basin Watermaster
725 North Azusa Avenue
Azusa, CA 91702

Dear Ms. Noriega:

COORDINATION ON INVASIVE MUSSEL DETECTION AND OPERATIONAL RESPONSE

Thank you for our recent meeting and our continued discussions regarding the Golden Mussel issue that remains of extreme importance to both of our agencies.

It is my intention that despite the threat of the Golden Mussel, effective March 1, 2026, when the Los Angeles County Flood Control District (District) has sufficient capacity in the Canyon Basins and it would not impair the District's operations, Watermaster may instruct the San Gabriel Valley Municipal Water District to resume deliveries of State Water Project water through its Devil Canyon Pipeline to the Canyon Basins through 1 year until March 1, 2027. I believe this year will provide us with the information and time to discuss and implement additional protective measures that will ensure continued safe and reliable water supply while avoiding undesirable impacts from the Golden Mussel.

In the interim, while the District and Watermaster cooperate in the implementation of these water deliveries, it is my understanding that our agencies will develop and implement the Phase 1 Mitigation Plan.

In addition to preserving our cooperative and long-standing working relationship, it is of paramount importance that the District will not incur increased costs due to the financial requirements associated with any increased operation and maintenance activities or liability related to any development and infestation of Golden Mussels within the District's facilities. Our existing 2004 agreement addresses some of these potential outcomes; however, I am sure we both agree additional details should be discussed.

Ms. Lynda Noriega
January 28, 2026
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Due to the progress we have made thus far and with the good faith belief that we will continue with our forward momentum, we request that the February 5, 2026, status conference before Judge Duffy-Lewis be rescheduled to a later date to allow for my attendance. I would like to participate in a productive report to the Judge about our progress.

I look forward to your reply as time is of the essence.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Mark Pestrella". The signature is fluid and cursive, with the first name "Mark" and last name "Pestrella" clearly distinguishable.

MARK PESTRELLA, PE
Director of Public Works

JFG:cr
WATER RESOURCES CSA/SWED/GOLDEN MUSSEL ISSUE.DOCX

cc: Kelly Gardner, Executive Officer