

EXHIBIT A

their land—could drill one or more wells capable of producing groundwater at rates above the thresholds of 1,100 acre feet per year or pumping rate of 700 gpm referenced in Plaintiff's Complaint.

4. Plaintiff's Complaint references landowners who have pre-September 14, 2023 wells that are permitted to produce Simsboro Aquifer groundwater at rates above 1,100 acre feet per year or at a rate of over 700 gpm, stating that such wells and landowners are harming Plaintiff and the putative class members by causing "drainage." Plaintiff, Fazzino Investments, LP, is one of those landowners with pre-September 14, 2023 wells that are permitted to produce Simsboro Aquifer groundwater at rates above 1,100 acre feet per year or at a rate of over 700 gpm. Fazzino Investments LP has the following well permits:

- "Proposed Well 1," (permit BVDO-0394), with 46.11 contiguous acres assigned and a permitted production rate of 1,290 acre feet per year;
- "Proposed Well 2," (permit BVDO-0395), with 46.11 contiguous acres assigned and a permitted production rate of 1,290 acre feet per year;
- "Proposed Well 3," (permit BVDO-0396), with 203.50 contiguous acres assigned and a permitted production rate of 2,710 acre feet per year;
- "Proposed Well 4," (permit BVDO-0397), with 203.50 contiguous acres assigned and a permitted production rate of 2,710 acre feet per year;
- "Proposed Well 5," (permit BVDO-0398), with 39.04 contiguous acres assigned and a permitted production rate of 1,187 acre feet per year; and
- "Proposed Well 6," (permit BVDO-0399), with 37.35 contiguous acres assigned and a permitted production rate of 1,161 acre feet per year.

The specifics as to each of the six wells listed above are shown in a "Worksheet for Drilling/Operating Permits" document, as well as copies of the relevant permits and maps of the footprint for each well, collectively attached as Exhibit 1 to this Declaration.

5. "On or about July 1, 2025, I received a phone call from Charles Fazzino at the District's office, who identified himself and is and was previously known to me as representative for Fazzino Investments, LP, Plaintiff in this matter, regarding the 69-acre tract of land in Robertson County owned by Fazzino Investments, LP and about which Plaintiff has based its claims in the Complaint, as specifically referenced on page 2 of Plaintiff's Motion for Class Certification.

6. "During that phone conversation, Mr. Fazzino asked about a possible new production permit for Simsboro Aquifer groundwater from that 69-acre tract, specifically asking what was the largest permitted amount that could be produced from one well on that property. To respond to his inquiry, I prepared a drawing of a rough estimated footprint of a well with those characteristics, showing an estimated production rate of 585 acre feet per year. I sent that drawing via email to Mr. Fazzino and had a follow-up conversation with him about it. A copy of the estimated footprint

drawing that I sent Mr. Fazzino is attached to this Declaration as Exhibit 2. In that follow-up conversation, Mr. Fazzino explained that he was considering developing the 69-acre property, placing around 60 residential lots on the property (accounting for roads, alleys, and similar items), with the well providing water to those lots.

7. “I have had some follow-up conversations with Mr. Fazzino regarding the potential development of the tract as we first discussed on July 1, 2025, and he has generally and consistently indicated that it is still under consideration for possible future action.

8. The documents attached hereto as Exhibit 1 and Exhibit 2 are true and correct copies of records of the District that are kept in the ordinary course of its business. It is the regular practice of the District to make these types of records at or near the time of each act, event, or condition set forth in the records. The records were made by, or from information transmitted by, persons with knowledge of the matters set forth. The records were kept in the course of regularly conducted business activity, and it is the regular practice of the District to make such records.

Executed in Robertson County, Texas on the 10th day of October, 2025.


ALAN M. DAY

EXHIBIT 1

Worksheet for Drilling/Operating Permits

Fazzino Investments LP – Wells 1-6

BVDO-0394 | BVDO-0395 | BVDO-0396 | BVDO-0397

BVDO-0398 | BVDO-0399

Fazzino Investments LP seeks Drilling/Operating permits for the purpose of:

- **Agricultural**
- **Industrial**
- **Commercial**
- **Public Water Supply**
- **Municipal Use**

Proposed Well 1 (BVDO-0394):

Located at: N 30.945554° W 96.727687° 2.28 miles SSW of the intersection of New Magnolia Church Road and FM 1644 in Robertson County.

Proposed Well 2 (BVDO-0395):

Located at: N 30.941356° W 96.725083° 2.23 miles SW of the intersection of New Magnolia Church Road and FM 1644 in Robertson County.

Proposed Well 3 (BVDO-0396):

Located at: N 30.851775° W 96.662976° 1.80 miles NW of the intersection of US-79 and FM 1644 in Robertson County.

Proposed Well 4 (BVDO-0397):

Located at: N 30.848652° W 96.669293° 1.98 miles NW of the intersection of US-79 and FM 1644 in Robertson County.

Proposed Well 5 (BVDO-0398):

Located at: N 30.816412° W 96.591883° 0.89 miles SSE of the intersection of Catalina Road and FM 50 in Robertson County.

Proposed Well 6 (BVDO-0399):

Located at: N 30.816641° W 96.585293° 1.18 miles SE of the intersection of Catalina Road and FM 50 in Robertson County.

Beneficial Uses: Agricultural, Industrial, Commercial, Public Water Supply, Municipal

Aquifer of Origin: Simsboro (all wells)

Acreage:	363 acres	BVDO-0394 & BVDO-0395
	761 acres	BVDO-0396 & BVDO-0397
	195 acres	BVDO-0398 & BVDO-0399

Well Column: To Be Determined (all wells)

Rate of Production: **Well 1** **1,000 gpm**
 Well 2 **1,000 gpm**
 Well 3 **2,100 gpm**
 Well 4 **2,100 gpm**
 Well 5 **920 gpm**
 Well 6 **900 gpm**

Max. Annual Production: **Well 1** **1,290 ac-ft/yr**
 Well 2 **1,290 ac-ft/yr**
 Well 3 **2,710 ac-ft/yr**
 Well 4 **2,710 ac-ft/yr**
 Well 5 **1,187 ac-ft/yr**
 Well 6 **1,161 ac-ft/yr**

This application meets all of the specifications listed in BVGCD Rule 7.1 (c) regarding production-based acreage. Below is the formula used to calculate and verify the applicant’s compliance and was applied to each of the wells listed below:

Formula

acre feet/year x .62 = gpm on an average annual basis

Average Annual gpm x 1’ for Simsboro wells = radius from the wellhead radius x radius
 x 3.14 = square feet around the well

Square feet around well/43,560 = **contiguous acres to be assigned to the well.**

Well	Acre feet/year	Contiguous Acres Assigned
Well 1	1,290	46.11
Well 2	1,290	46.11
Well 3	2,710	203.50
Well 4	2,710	203.50
Well 5	1,187	39.04
Well 6	1,161	37.35

The footprint of each of the wells lies entirely within the property controlled by the applicant.





This application is administratively complete.

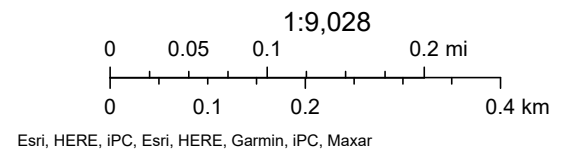
It is the recommendation of the General Manager to approve the six (6) permits as presented.

Fazzino Investments LP | Well #1 | BVDO-0394 | Siimsboro | 1,290 ac-ft/yr | 799.80' radius



July 25, 2023

-  Override 1
-  BVGCDWells
-  Override 1
-  RobertsonCADParcels



Permit No. BVDO-0394

**Operating Permit
Issued By Direction of the Board of Directors of the
Brazos Valley Groundwater Conservation District**



This **Operating Permit** is granted to **Fazzino Investments LP** (Permittee) authorizing the Permittee to operate a water well, known as **Well 1** ("Well"), at the location specified below, within the Brazos Valley Groundwater Conservation District (District), for the beneficial purpose of producing water for **Agricultural, Industrial, Commercial, Municipal, and Public Water Supply** uses. Permittee is authorized to operate the Well located at **N 30.945554° and W 96.727687°** to produce water from the **Simsboro Aquifer** at an annual maximum capacity not to exceed **1,000 GPM** and a maximum annual production of **1,290 acre feet/year**.

Operating Permit Term:

- (a) An operating and drilling permit for a well or well site will automatically expire within three years from its issuance if the permitted well(s) has not been completed or is not significantly under development.
- (b) Unless specified otherwise by the Board or these Rules, operating permits are effective for five-year terms. At the end of each five-year term, the permit shall be renewed by the Board for an additional five-year term, upon submittal of a permit renewal application by the permit holder that provides adequate evidence of continued beneficial use for the permitted amount of water withdrawal. The District shall send notices to permit holders that contain the permit renewal applications, prior to permit expirations.
- (c) The District may amend or revoke an operating permit at any time if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or
 - (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence; or
 - (3) The permitted well(s) has not been completed, is not significantly under construction; or no significant progress is being made toward construction.





This permit is issued and effective as of September 14, 2023.

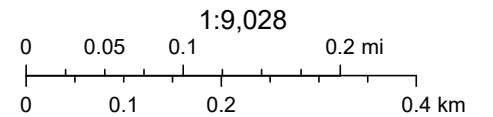
Special Provisions/Notes: None

Fazzino Investments LP | Well #2 | BVDO-0395 | Simsboro | 1,290 ac-ft/yr | 799.80' radius



July 25, 2023

-  Override 1
-  BVGCDWells
-  Override 1
-  RobertsonCADParcels



Esri, HERE, IPC, Esri, HERE, Garmin, IPC, Maxar

Permit No. BVDO-0395

**Operating Permit
Issued By Direction of the Board of Directors of the
Brazos Valley Groundwater Conservation District**



This **Operating Permit** is granted to **Fazzino Investments LP** (Permittee) authorizing the Permittee to operate a water well, known as **Well 2** ("Well"), at the location specified below, within the Brazos Valley Groundwater Conservation District (District), for the beneficial purpose of producing water for **Agricultural, Industrial, Commercial, Municipal, and Public Water Supply** uses. Permittee is authorized to operate the Well located at **N 30.941356° and W 96.725083°** to produce water from the **Simsboro Aquifer** at an annual maximum capacity not to exceed **1,000 GPM** and a maximum annual production of **1,290 acre feet/year**.

Operating Permit Term:

- (a) An operating and drilling permit for a well or well site will automatically expire within three years from its issuance if the permitted well(s) has not been completed or is not significantly under development.
- (b) Unless specified otherwise by the Board or these Rules, operating permits are effective for five-year terms. At the end of each five-year term, the permit shall be renewed by the Board for an additional five-year term, upon submittal of a permit renewal application by the permit holder that provides adequate evidence of continued beneficial use for the permitted amount of water withdrawal. The District shall send notices to permit holders that contain the permit renewal applications, prior to permit expirations.
- (c) The District may amend or revoke an operating permit at any time if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or
 - (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence; or
 - (3) The permitted well(s) has not been completed, is not significantly under construction; or no significant progress is being made toward construction.





This permit is issued and effective as of September 14, 2023.

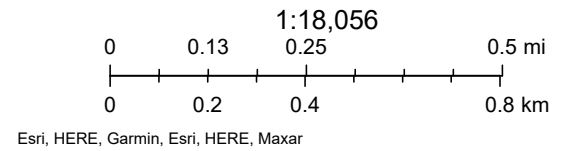
Special Provisions/Notes: None

Fazzino Investments LP | Well #3 | BVDO-0396 | Simsboro | 2,710 ac-ft/yr | 1.680.20' radius



July 25, 2023

-  Override 1
-  BVGCDWells
-  Override 1
-  RobertsonCADParcels



Permit No. BVDO-0396

**Operating Permit
Issued By Direction of the Board of Directors of the
Brazos Valley Groundwater Conservation District**



This **Operating Permit** is granted to **Fazzino Investments LP** (Permittee) authorizing the Permittee to operate a water well, known as **Well 3** ("Well"), at the location specified below, within the Brazos Valley Groundwater Conservation District (District), for the beneficial purpose of producing water for **Agricultural, Industrial, Commercial, Municipal, and Public Water Supply** uses. Permittee is authorized to operate the Well located at **N 30.851775° and W 96.662976°** to produce water from the **Simsboro Aquifer** at an annual maximum capacity not to exceed **2,100 GPM** and a maximum annual production of **2,710 acre feet/year**.

Operating Permit Term:

- (a) An operating and drilling permit for a well or well site will automatically expire within three years from its issuance if the permitted well(s) has not been completed or is not significantly under development.
- (b) Unless specified otherwise by the Board or these Rules, operating permits are effective for five-year terms. At the end of each five-year term, the permit shall be renewed by the Board for an additional five-year term, upon submittal of a permit renewal application by the permit holder that provides adequate evidence of continued beneficial use for the permitted amount of water withdrawal. The District shall send notices to permit holders that contain the permit renewal applications, prior to permit expirations.
- (c) The District may amend or revoke an operating permit at any time if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or
 - (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence; or
 - (3) The permitted well(s) has not been completed, is not significantly under construction; or no significant progress is being made toward construction.





This permit is issued and effective as of September 14, 2023.

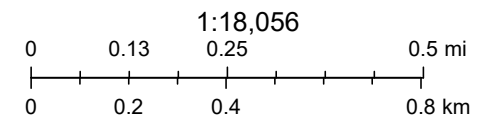
Special Provisions/Notes: None

Fazzino Investments LP | Well #4 | BVDO-0397 | Simsboro | 2,710 ac-ft/yr | 1.680.20' radius



July 25, 2023

-  Override 1
-  BVGCDWells
-  Override 1
-  RobertsonCADParcels



Esri, HERE, Garmin, Esri, HERE, Maxar

Permit No. BVDO-0397

**Operating Permit
Issued By Direction of the Board of Directors of the
Brazos Valley Groundwater Conservation District**



This **Operating Permit** is granted to **Fazzino Investments LP** (Permittee) authorizing the Permittee to operate a water well, known as **Well 4** ("Well"), at the location specified below, within the Brazos Valley Groundwater Conservation District (District), for the beneficial purpose of producing water for **Agricultural, Industrial, Commercial, Municipal, and Public Water Supply** uses. Permittee is authorized to operate the Well located at **N 30.848652° and W 96.669293°** to produce water from the **Simsboro Aquifer** at an annual maximum capacity not to exceed **2,100 GPM** and a maximum annual production of **2,710 acre feet/year**.

Operating Permit Term:

- (a) An operating and drilling permit for a well or well site will automatically expire within three years from its issuance if the permitted well(s) has not been completed or is not significantly under development.
- (b) Unless specified otherwise by the Board or these Rules, operating permits are effective for five-year terms. At the end of each five-year term, the permit shall be renewed by the Board for an additional five-year term, upon submittal of a permit renewal application by the permit holder that provides adequate evidence of continued beneficial use for the permitted amount of water withdrawal. The District shall send notices to permit holders that contain the permit renewal applications, prior to permit expirations.
- (c) The District may amend or revoke an operating permit at any time if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or
 - (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence; or
 - (3) The permitted well(s) has not been completed, is not significantly under construction; or no significant progress is being made toward construction.





This permit is issued and effective as of September 14, 2023.

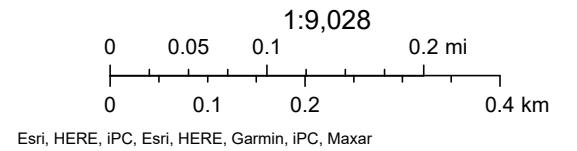
Special Provisions/Notes: None

Fazzino Investments LP | Well #5 | BVDO-0398 | Simsboro | 1,187 ac-ft/yr | 735.94' radius



July 25, 2023

-  Override 1
-  BVGCDWells
-  Override 1
-  RobertsonCADParcels



Permit No. BVDO-0398

**Operating Permit
Issued By Direction of the Board of Directors of the
Brazos Valley Groundwater Conservation District**



This **Operating Permit** is granted to **Fazzino Investments LP** (Permittee) authorizing the Permittee to operate a water well, known as **Well 5** ("Well"), at the location specified below, within the Brazos Valley Groundwater Conservation District (District), for the beneficial purpose of producing water for **Agricultural, Industrial, Commercial, Municipal, and Public Water Supply** uses. Permittee is authorized to operate the Well located at **N 30.816412° and W 96.591883°** to produce water from the **Simsboro Aquifer** at an annual maximum capacity not to exceed **920 GPM** and a maximum annual production of **1,187 acre feet/year**.

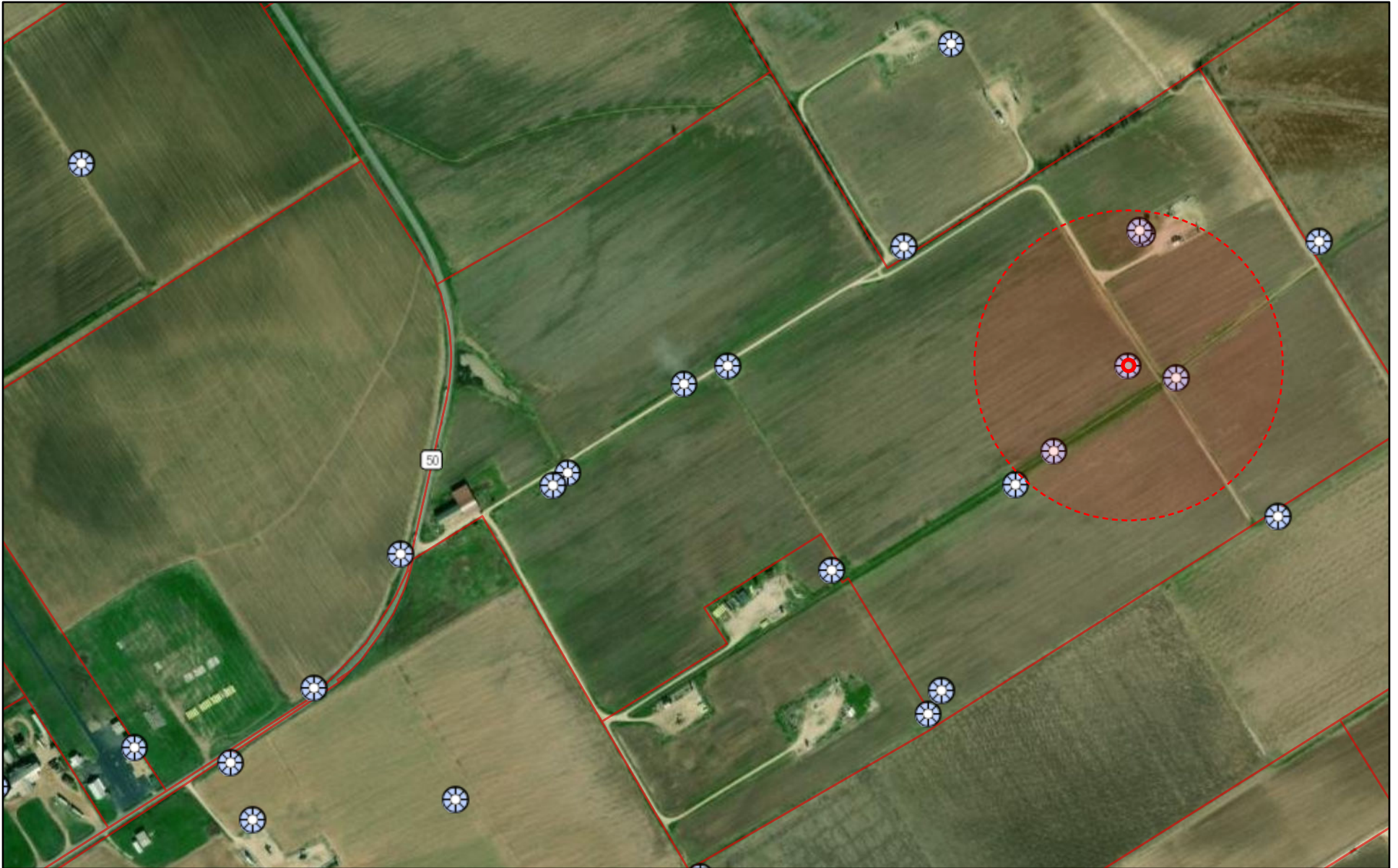
Operating Permit Term:

- (a) An operating and drilling permit for a well or well site will automatically expire within three years from its issuance if the permitted well(s) has not been completed or is not significantly under development.
- (b) Unless specified otherwise by the Board or these Rules, operating permits are effective for five-year terms. At the end of each five-year term, the permit shall be renewed by the Board for an additional five-year term, upon submittal of a permit renewal application by the permit holder that provides adequate evidence of continued beneficial use for the permitted amount of water withdrawal. The District shall send notices to permit holders that contain the permit renewal applications, prior to permit expirations.
- (c) The District may amend or revoke an operating permit at any time if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or
 - (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence; or
 - (3) The permitted well(s) has not been completed, is not significantly under construction; or no significant progress is being made toward construction.





This permit is issued and effective as of September 14, 2023.

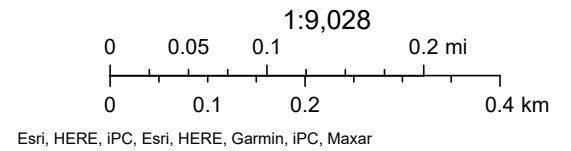
Special Provisions/Notes: None

Fazzino Investments LP | Well #6 | BVDO-0399 | Simsboro | 1,161 ac-ft/yr | 719.82' radius



July 25, 2023

-  Override 1
-  BVGCDWells
-  Override 1
-  RobertsonCADParcels



Permit No. BVDO-0399

**Operating Permit
Issued By Direction of the Board of Directors of the
Brazos Valley Groundwater Conservation District**



This **Operating Permit** is granted to **Fazzino Investments LP** (Permittee) authorizing the Permittee to operate a water well, known as **Well 6** ("Well"), at the location specified below, within the Brazos Valley Groundwater Conservation District (District), for the beneficial purpose of producing water for **Agricultural, Industrial, Commercial, Municipal, and Public Water Supply** uses. Permittee is authorized to operate the Well located at **N 30.816641° and W 96.585293°** to produce water from the **Simsboro Aquifer** at an annual maximum capacity not to exceed **900 GPM** and a maximum annual production of **1,161 acre feet/year**.

Operating Permit Term:

- (a) An operating and drilling permit for a well or well site will automatically expire within three years from its issuance if the permitted well(s) has not been completed or is not significantly under development.
- (b) Unless specified otherwise by the Board or these Rules, operating permits are effective for five-year terms. At the end of each five-year term, the permit shall be renewed by the Board for an additional five-year term, upon submittal of a permit renewal application by the permit holder that provides adequate evidence of continued beneficial use for the permitted amount of water withdrawal. The District shall send notices to permit holders that contain the permit renewal applications, prior to permit expirations.
- (c) The District may amend or revoke an operating permit at any time if there is evidence of:
 - (1) the owner or operator of the well or well system has operated in violation of their permit, District Rules, or Chapter 36 of the Texas Water Code; or
 - (2) a change in the permit is required to prevent waste and achieve water conservation, minimize as far as practicable the drawdown of the water table or reduction of artesian pressure, lessen interference between wells, or control and prevent subsidence; or
 - (3) The permitted well(s) has not been completed, is not significantly under construction; or no significant progress is being made toward construction.

This permit is issued and effective as of September 14, 2023.

Special Provisions/Notes: None

EXHIBIT 2

