

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

FAZZINO INVESTMENTS, LP	§	
for itself and all others similarly situated,	§	
	§	
PLAINTIFFS	§	
	§	
V.	§	CASE NO. 6:25-CV-0001-ADA-DTG
	§	
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT,	§	
	§	
DEFENDANT	§	

**DECLARATION OF CHARLES FAZZINO IN SUPPORT OF PLAINTIFF’S MOTION
FOR CLASS CERTIFICATION**

Pursuant to 28 U.S.C. § 1746, I, Charles Fazzino, declare as follows:

1. My name is Charles Fazzino. I am over the age of 21, am competent to make this declaration and have personal knowledge of the statements contained herein, all of which are true and correct. I am the managing member of Fazzino Investments, LP and am fully authorized to make this declaration. I submit this declaration in support of Plaintiff’s Motion for Class Certification.

2. Fazzino Investments, LP is a Texas limited partnership that owns a 69-acre tract of land in Robertson County, Texas, over the Simsboro Aquifer that does not have a pre-September 14, 2023, groundwater well permitted or drilled on the acreage. Fazzino Investments, LP desires to sell its groundwater production rights in the Simsboro Aquifer to a commercial groundwater production company. But because of Brazos Valley Groundwater Conservation District’s September 14, 2023, Rules amendments, drilling a commercial water well on the 69-acre tract is not economically feasible and no commercial groundwater production company is interested in doing so. I filed this class action, on behalf of Fazzino Investments, LP and similarly impacted

landowners, to force the Brazos Valley Groundwater Conservation District to revert to using the pre-September 14, 2023, Rules.

3. Before this case was filed, I had extensive discussions with Marvin W. (“Marty”) Jones regarding the claims being asserted and the potential advantages and disadvantages of bringing them as a class action, rather than as an individual case. I was familiar with Mr. Jones because he and Brantley Jones represented my cousin, Anthony Fazzino, in a lawsuit against Brazos Valley Groundwater Conservation District. In our conversations before the suit was filed, Mr. Jones explained that a class action would resolve my individual issues with Brazos Valley Groundwater Conservation District while also benefitting other similarly situated landowners whose rights were impacted by BVGCD’s September 14, 2023, Rule changes. Mr. Jones explained that Fazzino Investments, LP would be the class representative, which would involve having to respond to discovery, give a deposition, and testify at hearings or at trial. He explained that Fazzino Investments, LP would not be able to “control” the litigation as it would if it was the only plaintiff because as the class representative, Fazzino Investments, LP would be bringing the case on behalf of itself and other similarly situated landowners and would be required to take other landowner class member’ rights and interests into consideration. He further explained that we would only be seeking injunctive relief, but not monetary damages.

4. To the best of my knowledge and understanding of the case, Fazzino Investments, LP has no interests that are antagonistic to, or in conflict with, the other landowner class members. Fazzino Investments, LP possesses the same interests, has suffered the same injury as the other landowner class members, and seeks to secure class-wide relief on behalf of itself and the other landowner class members in the form of injunctive relief requiring the Brazos Valley Groundwater Conservation District to revert to using the pre-September 14, 2023, Rules. Fazzino Investments,

LP also does not have any incentive or desire to deviate from seeking this class-wide injunction. I know of no conflicts that Fazzino Investments, LP has with any other landowner class members. Fazzino Investments, LP stands ready to protect its interests and the interests of the other impacted landowner class members.

5. I, on behalf of Fazzino Investments, LP, have been actively involved in the litigation from the beginning. To date, I have assisted counsel with answering the interrogatories, requests for production, and requests for admission served on Fazzino Investments, LP by Brazos Valley Groundwater Conservation District. I also have regularly conferred with Fazzino Investments, LP's lawyer, Marvin W. ("Marty") Jones, regarding case developments, case status, and case strategy. I am available to give my deposition on reasonable notice and will testify at any hearings or at trial as the class representative where my testimony is required.

6. Considering the above, I, on behalf of Fazzino Investments, LP, brought and desire to prosecute this lawsuit as a class action.

I declare under penalty of perjury that this declaration is true and correct to the best of my knowledge.

Executed on August 19, 2025, in Hearne, Texas.

/s/ Charles Fazzino
Charles Fazzino, Managing Member
Fazzino Investments, LP