

**EXHIBIT A**

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# DECLARATION OF NORM SCHILLING

I, Norm Schilling, declare as follows:

1. I am a resident of Clark County, Nevada.
2. I have more than 35 years of professional experience in Southern Nevada's green industry as a horticulturalist, arborist, educator, and licensed contractor.
3. I hold an Associate Degree in Ornamental Horticulture from the College of Southern Nevada and am a Nevada-licensed contractor (License No. 0057280). I am a charter member of the Southern Nevada Arborist Group (SNAG) and maintain professional affiliations with the International Society of Arboriculture, Master Gardeners, and the University of Nevada Cooperative Extension and was a certified arborist.
4. I am the owner of Schilling Horticulture Group, Inc., and Mojave Bloom Nursery.
5. For 9 years I was the Lead Groundskeeper for the Las Vegas Valley Water District, including 5 years of caring for the Desert Demonstration Gardens (the predecessor botanical garden that preceded the Gardens at the Springs Preserve). I was also the Horticulture Supervisor for the UNLV Campus and Arboretum for 3 years.
6. I have received numerous professional honors and awards, including more than 35 awards over a decade from the Southern Nevada Water Authority and/or the Las Vegas Valley Water District for excellence in landscape design and maintenance. These recognitions also include the Linn Mills Award, Bill Tomiyasu Memorial Award and the SNAG Tree Trail Blazer Award, which honor leadership and long-standing contributions to arboriculture and sustainable horticulture in Southern Nevada.
7. Notably, in the SNWA Landscape Awards competition, Schilling Horticulture Group received at least five first-place annual awards in residential design, and once swept the competition by taking first, second, and third place in residential design in the same year. The company also received multiple awards in commercial design and residential maintenance. From its first year of participation in 2007 through the competition's discontinuation in 2017, Schilling Horticulture won awards every year and amassed

approximately half of all residential awards awarded to commercial entities during that period.

8. Attached hereto as Exhibit A is my curriculum vitae, which summarizes my education, professional experience, qualifications, and professional recognitions, awards, honors, and accolades.
9. Over the course of my career, I have performed more than 15,000 landscape consultations and site assessments, advising homeowners, HOAs, commercial property managers, and public agencies on tree health, irrigation efficiency, desert-adapted plant selection, and sustainable landscape design. My work has consistently focused on balancing water conservation goals with the preservation of long-term tree canopy and livable urban environments.
10. In addition to my professional practice, I regularly teach classes, conduct workshops, and speak publicly on arboriculture, desert horticulture, irrigation systems, and water-efficient landscaping. I have also produced educational content for SNWA, LVVWD, Nevada Public Radio, and other regional organizations, and I continue to educate the public as a co-host of “Desert Bloom” on KNPR 88.9 FM.
11. In 2003, I founded Schilling Horticulture Group, a landscape company dedicated to providing Southern Nevada with functional, sustainable and beautiful landscapes of exceptional value.
12. In 2023, I also launched Mojave Bloom Nursery in downtown Las Vegas to address the lack of unique, drought-tolerant, and desert-adapted plants in the region. More than just a nursery, Mojave Bloom aims to provide Southern Nevada exceptional indoor and outdoor plants, expert guidance, hands-on educational resources in a beautiful social setting. We seek to inspire a deeper connection to, and care of, our desert environment.
13. I offer this declaration based on my personal observations, professional experience with trees and landscapes in Southern Nevada, and review of publicly available materials from

SNWA/LVVWD and related sources. If called to testify, I could and would testify to the matters stated here.

14. In 2021, Nevada enacted AB 356 (the Conservation of Colorado River Water Act, Chapter 364, Statutes of Nevada 2021), which restricts use of Colorado River water distributed by SNWA or its member agencies for irrigating “nonfunctional turf” on certain non-single-family properties beginning January 1, 2027.
15. To implement AB 356, SNWA adopted definitions of “functional” and “nonfunctional” turf that classify large categories of irrigated grass as “nonfunctional,” including turf along streetscapes and turf adjacent to buildings, unless it meets SNWA’s recreational-use criteria.
16. In practice, SNWA’s and LVVWD’s implementation has forced, coerced, and/or strongly pressured turf-to-rock/plastic conversions in areas where grass exists whose primary and critical function is to protect and nourish existing established trees.
17. This existing tree-cover grass is always essential to a large variety of species in the Southern Nevada tree canopy. Tree-cover grass serves an important function because it cools the root zone, significantly cools the ambient air temperature which in turn reduces both tree stress and water use, supports symbiotic microbial life critical for good tree and plant health, retains soil moisture as a living mulch, and contributes significantly to healthy soil chemistry.
18. Southern Nevada is the only place in the United States where the local water authority (*i.e.*, SNWA) has deemed “tree-support grass” to be non-functional. This is often disastrous for trees living in or nearby areas where natural turf is removed.
19. Arborists and tree-care professionals internationally, nationally and here in Southern Nevada have documented that turf-to-rock conversions (even when followed by drip irrigation) commonly increase soil and surface temperatures, reduce moisture retention, disrupt root-zone biology, and induce stress, all of which often cause significant increases in susceptibility to pests and diseases of trees and other plants in and nearby grass

areas that has been converted. These stressors have been repeatedly observed to accelerate decline and death in trees following turf removal, and especially so among mature and heritage specimens.

20. It is worth explaining that while the removal of the tree-cover grass has direct negative impact on the trees, another large element in the cause of death and decline of our community trees comes about through the concurrent changes that almost always occur in the supporting irrigation systems. Trees and other plants growing in or near the turf areas always develop root systems to take best advantage of existing wetting patterns, and when those wetting patterns are changed, disrupted or reduced, stress, decline and death are often the result. Even when done well by the homeowner or landscaper (which is very rare), those efforts to significantly modify irrigation also inevitably damage or destroy substantial portions of the trees and other plants root systems, again significantly furthering the likelihood of stress, disease, pests and the resulting decline and death in individual trees and the consequential damage and decline to our urban forest.
21. Based on valley-wide observations by arborists and landscape professionals, including those reflected in the Southern Nevada Arborist Group's communications to policymakers, the AB 356 implementation model (as administered through SNWA/LVVWD definitions and enforcement posture) has already likely killed more than 100,000 trees throughout the Las Vegas Valley.
22. Assuming a base quantity of just 100,000 trees killed in the Las Vegas Valley, and assuming 22% are mature ("heritage") trees, another 33% are "middle aged" and the remaining 45% are young specimens, the following calculations can be considered roughly accurate, though they are likely an undercount both in quantity and value. Using a \$8000 as the replacement/value estimate per mature/heritage tree (22,000 trees), another \$5,000 per middle aged tree (33,000 trees), and \$2,500 per young tree (45,000 trees), the economic impact of the \$100,000 dead trees comes to \$453,500,000.00 (176,000,000 + 165,000,000 + 112,500,000). This does not include loss of shade cover, loss of property value, removal

costs, increased energy costs when trees die, or the full replacement costs, which likely more than doubles the above figure.

23. Replacement value is almost always more than the assessed value of a tree.
24. The removal of tree-cover grass also increases the heat load on any and all adjoining and nearby plant life, including other trees, as well as adjoining residences, resulting in both increased water use by the plants and increased power use to cool nearby buildings (Note that increasing power use also results in increased cooling costs). The additional heat load increases stress in adjacent plants, leading to a corresponding increase in the likelihood of decline and death due to pests, diseases or other causes of morbidity.
25. As those plants affected by the heat stress decline and/or die, additional costs are borne by the residents, or other property owners and managers. This adds significantly to negative economic impact mentioned above.
26. Turf is a very effective cooling element in our urban and suburban spaces. My own measurements using state of the art thermometers show that on a 105–107-degree sunny summer day, the following temperatures are observed: concrete in full sun registers a heat of around 155 degrees. Light colored rock mulch registers a heat of around 155 degrees. Dark colored rock mulch registers a heat of around 160 degrees. Asphalt registers a heat of around 165 degrees. Artificial turf registers a heat of around 175 degrees. However, grass lawns of moderate to good health register a heat of 86-88 degrees, while perennial plants and shrubs register heat of 85-102 degrees. Further, the direct absorption of sunlight and corresponding heat by trees and other plants reduces heat load, and creates shade, which results in surface temperatures again much cooler than those demonstrated by concrete, rock mulch, asphalt and artificial turf.
27. Many of the trees lost due to the misguided push to remove and penalize the use and very existence of turf are of very diverse fruit bearing varieties, including many species and varieties of citrus. The fruit grown by those trees is typically organic and often has exceptionally good quality and taste. The fruit and citrus grown and consumed by

homeowners reduces the need for those same fruits to be imported into Southern Nevada. While some might put forth that the water we use for fruit production is not a good investment of Colorado River Basin water, the fruit we import often is produced in other states (primarily California and Arizona) who are using the same resource of Colorado River Basin Water, but without the excessive restrictions, charges and penalties that exist only in Southern Nevada. That imported fruit also comes with the increased negative environmental impacts of pesticide use, packaging, and transportation. It is also almost always of less nutritional value, not organic, and simply doesn't taste as good. Growing food in the communities in which it's consumed is considered to be a very good environmental practice, and also connects people with their community and environment.

28. Further negative impact comes from direct and indirect environmental and economic costs associated with all aspects of the landscape and nursery industries and the work they do in our society. These costs come at every stage of industry including the grower, the wholesale nursery, the retail nursery or other seller of goods, and the landscaper or homeowner who purchase the products and implement the landscape work. Some of these costs are necessarily borne if we wish to live in an urban space that includes any aspect of nature and plants. However, if not done well, those borne costs are wasted. To create a society that heats or otherwise fails to care for urban space to the point of killing existing plants and trees creates huge economic and environmental impacts in growing, containerizing, watering, packaging, shipping, fertilizing, horticultural treatments (including the use of chemicals for pests and disease), maintenance (often using unregulated, highly polluting 2-stroke gas powered equipment), etc. These costs are large and should be considered a good investment if done well, for many studies show increases in quality of health and life in "green" urban areas compared to those which lack such natural attributes. However, if policy does not promote, or worse, degrades the health of the living natural elements in an urban space, economic costs are higher and quality of life is greatly and immeasurably reduced. The cost of the difference between good policy and

bad is truly immeasurable but easily reaches into the tens of billions of dollars in an urban space the size of Southern Nevada.

29. SNWA's campaign to destroy a significant amount of the Las Vegas Valley's critical tree-cover grass, and by extension the trees that grass protects, is a tragedy.
30. Beyond monetary loss, the green mature canopy (and its heat-mitigation benefits) cannot be replaced quickly. It will take decades for the Las Vegas Valley to recover, if it can at all.
31. When trees are negatively impacted by misguided turf (grass) removal, decline to the point of death and/or removal typically occurs over a span of 6 months to 2 years, though the process sometimes takes longer.
32. Once a mature tree is lost, the cooling and livability benefits to neighborhoods are lost for decades, if they can be restored at all.
33. SNWA's actions under AB 356 are causing irreparable harm with continued canopy collapse.
34. Other states that have regions as dry or drier than Clark County, Nevada explicitly identify tree turf and ground cover as "functional."
35. For example, California's nonfunctional-turf restrictions explicitly recognize tree-health exceptions, including allowing irrigation that is necessary to maintain trees and other perennial plantings.
36. Governor Newsom's Executive Order N-7-22 directed that nonfunctional turf restrictions in the commercial/industrial/institutional sector include exceptions "as it may be required to ensure the health of trees and other perennial non-turf plantings." (Official EO PDF: <https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf>)
37. Consistent with that approach, California agencies have implemented canopy-based exceptions stating that nonfunctional turf "cannot be watered with potable water unless watering occurs directly under the canopy of a tree or shrub." (Example agency handout:

<https://www.cityofpaloalto.org/files/assets/public/v/1/utilities/water-drought/handout-for-non-functional-turf-definition.pdf>)

38. Arizona's statewide framework likewise reflects that outdoor irrigation policy can be implemented by regulating *water source and quality* (including reclaimed/gray water for landscape irrigation) rather than mandating blanket removal of cooling groundcover around established trees. (Arizona Administrative Code Title 18, Ch. 11 PDF: [https://apps.azsos.gov/public\\_services/Title\\_18/18-11.pdf](https://apps.azsos.gov/public_services/Title_18/18-11.pdf); ADEQ reclaimed water program: <https://azdeq.gov/recycled-water>)
39. In my opinion, these kinds of frameworks recognize that preserving the green tree canopy and reducing heat load can be compatible with conservation goals, especially when exceptions are included for tree health.
40. But SNWA's definition framework does not provide a clear, workable exception for grass maintained primarily to protect mature trees.
41. Making matters worse, SNWA's AB 356 implementation has also operated as though it restricts all outdoor water in the Valley, without adequately accounting for groundwater and other water resident in the Las Vegas Valley hydrologic system. Las Vegas was historically described and named as a natural oasis ("Las Vegas," meaning "The Meadows") because of springs and meadow conditions in the Valley.
42. Based on my review of the SNWA's enabling statutes and how conservation programs are intended to function, SNWA's present approach appears inconsistent with an education-and-conservation mission and instead relies heavily on coercive compliance pressure.
43. In my opinion, the SNWA and LVVWD have the financial resources to educate, incentivize and otherwise promote good and sustainable horticulture practices in Southern Nevada, including in areas such as wind-regulated controllers, the promotion of much lower water use turf species, and numerous other well researched and proven conservation practices, resources, management and materials that are currently not being promoted. The reallocation of some of the huge financial resources currently being used to promote their

misguided and destructive policies could finance a renaissance of healthy urban and suburban sustainability in a green, livable and beautiful community, while leading by example how to thoughtfully and carefully move towards healthy sustainable life in a desert environment. Such progressive policy shift would also create and sustain very significant positive economic viability, while producing very good public press for the wonderful cities and communities of Southern Nevada.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

DATED: 01 / 07 / 2026

Las Vegas, Nevada



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Norm Schilling

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Sent for signature to Norm Schilling  
(norm@schillinghorticulture.com) from brianna@lextecnica.com  
IP: 174.70.22.170



**01 / 07 / 2026**  
21:22:12 UTC

Viewed by Norm Schilling (norm@schillinghorticulture.com)  
IP: 174.205.103.45



**01 / 07 / 2026**  
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Signed by Norm Schilling (norm@schillinghorticulture.com)  
IP: 174.205.103.45



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**EXHIBIT B**

**EXHIBIT B**













**EXHIBIT C**

**EXHIBIT C**









**EXHIBIT D**

**EXHIBIT D**















**EXHIBIT E**

**EXHIBIT E**











































CAUTION CAUTION CAUTION CAUTION





















































































**EXHIBIT F**

**EXHIBIT F**



Samuel Castor, Esq. \*Nevada  
F. Christopher Austin, Esq. \*Nevada and Utah  
David Gardner, Esq. \*Nevada  
Michael Falater, Esq. \*Nevada and Utah  
H. Jared Doster, Esq. \*Florida, Texas, Nevada Vincent  
Garrido, Esq. \*Nevada  
Justin Fernstrom, Esq. \*Arizona  
Nicholas Anderson, Esq. \*Nevada and North Carolina  
Hayden Smith, Esq. \*Nevada  
Scott Whitworth, Esq. \*Nevada  
Kevin Ross, Esq. \*Nevada  
Ashlyn Hauber, Esq. \*Nevada

**Nevada Office:** 10161 Park Run Dr., Ste. 150  
Las Vegas, Nevada 89145  
Office: (725) 239-8413  
Fax: (702) 583-6000

**Arizona Office:** 9221 E. Baseline Rd.  
Ste. 109-458  
Mesa, Arizona 85209  
Office: (602) 502-3386

**Florida Office:**  
97 West Oak Avenue, Suite 777  
Panama City, Florida 32401  
[www.lextecnica.com](http://www.lextecnica.com)

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November 25, 2025

**Via Email:**

Gregory J. Walch  
Las Vegas Valley Water District  
[greg.walch@lvvwd.com](mailto:greg.walch@lvvwd.com)  
1001 S. Valley View Blvd.,  
Las Vegas, NV 89153

**Re: Formal Demand to Cease and Desist Attempts to Obtain Easement of Private Property**

Dear Mr. Walch,

This law firm represents Kim Snyder (“Ms. Snyder”), a homeowner in the Canyon Fairways community of Las Vegas. It has come to our attention that Southern Nevada Water Authority (“SNWA”) is asserting unlawful ownership of Ms. Snyder's landscape strip in front of her home, and over all the homes in the neighborhood. Specifically, SNWA emailed our client demanding use of the landscape strip abutting the sidewalk on November 3, 2025; putting landscaping and trees at risk. SNWA asserts that it has an inherent right to utilize Ms. Snyder’s landscape strip as it sees it as “nonfunctional” per AB 356 (amended by AB 220). But AB 356 does *not* apply to single-family residences. Your assertion is an overreach of your authority and threatens an unlawful taking.

The SNWA email notes this inconsistency when it declares, “Section 31 of this bill [AB 220] prohibits the use of such waters of the Colorado River for irrigating nonfunctional turf on any parcel of property that is not used exclusively as a single-family residence” (emphasis added). First, this is legislative intent, not law. Second, the language expressly does not apply to residences. Third, to suggest that residential property owned by the resident is somehow now SNWA property, is a gross overreach and misstatement of SNWA’s authority.

The email further claimed that where “there is nonexclusive use or an ingress/egress easement” that permits SNWA to access Ms. Snyder’s property and use it as a common area. While there may be a limited utility easement to access SNWA’s equipment, such an easement does not change the zoning or control of the property. As such, these assertions are flatly inconsistent with statutory, constitutional, and common law.

Your cited statutes relate to the parcel as a whole, not a single isolated subarea of the physical plot itself. The law in question differentiates a parcel based on classification—residential, commercial, institutional—not by the presence of a public sidewalk easement or right-of-way adjacent to the property in question. Again, an easement does not change the zoning. You lack authority.

We fear SNWA’s valley-wide actions in removing residential grass, foliage, and trees under the false claim of “nonfunctional turf” grossly misinterpret the nature of easements under Nevada law. This law does not apply to single-family home residential areas. Moreover, an easement grants only “a non-possessory interest in the land” and is “distinct from ownership” as “it gives no right to possess the land upon which it is imposed but a right merely to the party in whom the easement is vested to enjoy it.” *Jones v. Ghadiri*, 546 P.3d 831, 835 (2024).

Again, a utility easement does not change zoning, or subject the land applicable to SNWA authority. That would be an unlawful taking and would subject the SNWA to liability. In other words, the SNWA, even if it had an easement, has no lawful authority to assume ownership of or exert control over Ms. Snyder’s property, as easements, by definition, provide only a non-possessory interest.

We demand you provide legal authority to back your claims that an easement constitutes a change in ownership or zoning to the landscaping strip on Ms. Snyder’s property - immediately. If you are making this representation to them, you are likely making it – unlawfully – to others. We will take your silence as an admission that you have no such authority. If you have none, we demand, on behalf of Ms. Snyder, that SNWA immediately cease and desist from:

1. Representing or implying that any portion of Ms. Snyder’s frontage or landscape strip is owned or controlled by SNWA;
2. Refrain from entering, altering, or interfering with Ms. Snyder’s use of her property; and
3. Confirm in writing by December 3, 2025, that SNWA will respect Ms. Snyder’s property boundaries and take no further action regarding this area.

Failure to provide written confirmation will compel Ms. Snyder to pursue all available legal remedies, including injunctive relief, declaratory judgment, and damages for trespass and interference. If you wish to resolve this matter without litigation, you are encouraged to contact me before the deadline. Please direct all further communications regarding this matter to my office.

Respectfully,

/s/ *Samuel D. Castor*

Samuel D. Castor, Esq.

**Lex Tecnica LTD**

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