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CASE NO: A-26-937025-C
Department 11

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ALEXANDER NILL, individually and as managing member of GUBERLAND LLC, MARK and JENNY-LYNNE EDINGTON, and KIM SNYDER, each an individual, and representative of potential class members; Plaintiffs, vs. SOUTHERN NEVADA WATER AUTHORITY, a political subdivision of the State of Nevada; DOE INDIVIDUALS; and ROE GOVERNMENTAL ENTITIES; Defendant.	Case No.: Dept. No: **COMPLAINT FOR EMERGENCY DECLARATORY RELIEF**

I. NATURE OF ACTION

"[We] speak for the trees."[1]

1. For generations, Las Vegas Valley residents have grown the valley's green canopy with trees and plants that cool, reduce energy costs, improve property values, and provide comfort and recreation for millions. But now, Southern Nevada Water Authority ("SNWA") is destroying Las Vegas Valley's invaluable tree canopy virtually *overnight*.

2. Under the guise of removing "useless" grass, SNWA along with its member agencies like the Las Vegas Valley Water District ("LVVWD"), the City of Henderson Department of Utility Services ("HDUS"), are leaving hundreds of trees for dead – *daily*. By exploiting ambiguity and vagueness in recent law, SNWA has made itself the legislature, executive branch and judiciary, to *coerce* the removal of residential grass that provides critical

[1] Dr. Seuss, *The Lorax*, 1971.

cover and protection for trees in and around the Las Vegas Valley. This unlawful overreach has now allegedly killed more than **100,000 trees** and caused more than **$300,000,000 in tree loss damage.**

3. SNWA and its member agencies lobbied for Assembly Bill 356 in 2021 and Assembly Bill 220 in 2023 – to conserve water. SNWA repeatedly assured the Nevada Legislature that residential green spaces, parks, playgrounds, dog parks, and recreation spaces – and residential trees – would be protected.[2] Single-family residential use was explicitly protected in AB 356 and AB 220 (together, "AB 356")[3]. But after AB 220 passed, SNWA and its members are using the undefined term "nonfunctional" and "use" to go after residential turf, even if it is "functional" and now *requiring* the removal of what they claim is "useless" grass around trees in parks, yards, and play areas.[4] This valley-wide turf removal is killing trees. Unless stopped, Defendant intends to do even more harm to the Las Vegas Valley between now and December 31, 2026; the 'nonfunctional' grass removal deadline SNWA set in AB 356.

4. SNWA claims its interpretations are binding law but they are not. They are not fixed by statute, regulation, or formally adopted rule, but instead exist as changeable website content that may be (and has been) revised at any time *without* notice, public participation, or legislative or regulatory approval.

5. Plaintiffs acknowledge water conservation is *critical* to the future sustainability of the Las Vegas Valley and fully support thoughtful, resident-serving efforts to promote conservation and environmental stewardship. But such initiatives must be done with appropriateness, reasonability, a mindful regard for community well-being, and in compliance with Nevada law, and must not violate residents' constitutionally protected rights. AB 356 only allows SNWA to *facilitate*, not force removal of non-functional turf, and only

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[2] *See* Minutes of the Senate Committee on Natural Resources, Nevada Legislature 81st Session, May 11, 2021 where Assemblyman Watts testified "AB 356 is not intended to target common areas in communities… green spaces in multifamily developments…"; *see also* minutes from Minutes of the Senate Committee on Natural Resources, Nevada Legislature 82nd Session, March 13, 2023 where SNWA representative Andy Belanger testified when summarizing the AB 220 that he had never "seen a [water bill] this long in [his] entire career" but Section 31 of AB 220 made "*it very clear that the only exemption from the nonfunctional turf requirement is property that is used as a single-family residence, not property that is zoned*."

[3] For ease of reference, Plaintiff refers to AB 356 and AB 220 collectively as AB 356.

[4] *See* Declaration from SNWA/LVVWD award winning arborist and expert witness, Norm Schilling attached as Exhibit A.

in areas that are *not* used as single-family residential areas. But SNWA is stepping well beyond those residential protections and now labeling grass "useless" in areas the Legislature never intended – single-family residential use – the green spaces, homes, parks, and fields where families gather and play.

6. SNWA's turf-removal mandates, tragically unchecked by legal and constitutional safeguards, or even rational care, and are SNWA-centric, costing Las Vegas Valley residents hundreds of millions of dollars, and destroying the Valley's valuable tree canopy that serves the residents.

7. This overreach does not stop with removal of "functional" turf. Plaintiffs' initial investigations reveal that Defendant and its members have spent and/or committed more than $70,000,000 of public funds (presumably from fines SNWA's member agencies charge residents) to fuel *public-funded* fear-mongering, shame, and propaganda campaigns to unlawfully seize unchecked power and kill what makes the Las Vegas Valley green: trees and the grass that is vital to trees' survival.

8. Turf surrounding the Valley's trees serves a critical function – and is far from useless. Fewer than 10 percent of trees in the Las Vegas Valley survive the removal of their grass cover.[5]

9. Yet, Defendant's definition of nonfunctional turf shockingly omits any consideration that grass removal will kill trees. And Defendant's definition of functional or nonfunctional omits any discussion of whether the grass removal will threaten a tree.

10. SNWA's power is unchecked, and residents lack any due process to protect themselves.

11. As a result, Defendant's policies have created a valley-wide graveyard of dead trees that, unless stopped, will continue to grow and take decades to recover—if at all.

12. Defendant's abusive wielding of this unconstitutional law must be stopped *immediately* before more trees die and the Las Vegas Valley becomes a desert wasteland.

[5] *See* Declaration from SNWA/LVVWD award winning arborist and expert witness, Norm Schilling attached as Exhibit A.

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13. This action seeks declaratory relief to stop Defendant's pending and ongoing unlawful implementation of AB 356 and the irreparable harm it threatens to cause Plaintiffs and many other Valley residents.

14. The Plaintiffs have suffered and continue to suffer concrete, particularized, and imminent injuries directly traceable to Defendant's unlawful interpretation and implementation of AB 356 and AB 220. These injuries include the death or imminent death of mature trees on or adjacent to their properties, forced or impending conversion of functional landscaping to desert xeriscape at substantial out-of-pocket cost, loss of eligibility for SNWA's own rebate programs, diminished property values, increased energy costs due to loss of shade and cooling, and loss of quiet enjoyment and recreational use of their residential spaces—all without any meaningful opportunity for individual residents to contest SNWA's subjective "nonfunctional" turf designations. These harms are irreparable, as mature trees once lost cannot be restored within a reasonable timeframe, and monetary damages alone cannot adequately compensate for the loss of decades-old landscaping and neighborhood character.

II. PLAINTIFFS' HISTORIES

A. Plaintiff Kim Snyder

15. Plaintiff Kim Snyder is a resident of Canyon Fairways in Summerlin who turned her front yard into a personal sanctuary: a shady haven where mature trees provide relief from the scorching sun, lowering her cooling bills in the summers and offering a peaceful spot to unwind all year long. Hillery Francis of the SNWA started sending her property manager notifications that the HOA had to remove the "useless" tree root grass cover in front of her home – even if the grass was on the individual resident's property.

16. Because of the ambiguity in AB 356, SNWA is insisting that even grass on Snyder's property, must be removed. Snyder fears that SNWA will impose fines if she does not remove the essential grass cover (vital for her trees' roots to retain moisture and stay protected) (additional photos attached as **Exhibit B**).

17. In an email dated September 11, 2025, SNWA insisted that Ms. Snyder's yard does not belong to Ms. Snyder – even though it is within her single-family residential property plat, and she pays for the water and maintenance - because they are after the sidewalk on her

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property. For that reason, SNWA has deemed the grass surrounding and protecting Ms. Snyder's beautiful trees "useless" grass that must come out.

18. If the grass is removed, her front yard trees *will* die.

19. What is now a beautiful, useful, and value-adding oasis will become barren and exposed. Removal will increase her energy costs and erase the value and joy of her home.

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Fearing fines if she delays, Snyder feels trapped by confusing and ambiguous SNWA policies that ignore the real-life ecosystem of residential landscapes. Her dream yard will become a stark reminder of bureaucratic overreach without any recourse for everyday single-family homeowners like her.

20. Snyder and her attorneys sent a letter to SNWA on November 25, 2025, raising the concerns.

21. SNWA never replied.

22. Apparently, under SNWA's adjustable rules, residents have no rights to their own property.

B. Plaintiff Alexander Nill

23. Plaintiff Alexander Nill, individually and as managing member of Guberland LLC, is a homeowner and investor in the vibrant Stallion Mountain community, where cool front yards with healthy grass and shady trees create a welcoming oasis in the desert heat.

24. As the managing member of Guberland LLC, and individually, Nill owns homes in the Links Subdivision, and has been directly harmed by SNWA's interpretation and coercive implementation of AB356 and AB 220. The Stallion Mountain HOA, pressured by SNWA's ambiguous "nonfunctional" versus "functional" turf designations and threats of excessive-use charges or other penalties, ceased proper landscape maintenance—including regular watering, fertilization, and weed control—citing water restrictions stemming from Defendant's policies. This forced neglect has caused significant deterioration of the landscaping across Guberland LLC's properties

25. As a direct result, two mature trees on Guberland LLC's properties have already been cut down, with additional trees marked for removal due to stress and decline following the loss of protective grass cover. The properties' once-thriving lawns have withered into weeds or bare soil, rendering portions unusable and unsightly.

26. The HOA's directives have compelled the conversion of five of Guberland LLC's six properties to desert landscaping to comply with SNWA's turf-removal mandates. Two smaller lots have already been converted at an out-of-pocket cost of approximately $1,200 each. The remaining three properties are significantly larger and will require substantially higher conversion costs. Only one property will be spared from conversion.

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27. Further compounding the financial harm, one property has deteriorated to such an extent due to the lack of maintenance that it is no longer eligible for SNWA's own turf-conversion rebate program, resulting in additional out-of-pocket expenses that would have been offset by the rebate.

28. Nill estimates that at least 200 families in the Stallion Mountain community face similar harms, as SNWA's overreach—through vague and ambiguous interpretations of "functional" versus "nonfunctional" turf—has pressured HOAs valley-wide to stop watering and maintaining community green spaces, stripping away the greenery that defined their neighborhoods, reducing property values, and imposing significant conversion and remediation costs.

C. Plaintiffs Jenny-Lynne and Mark Edington Family

29. Plaintiffs Jenny-Lynne and Mark Edington and their boys have enjoyed their home in The Estates at Green Valley Ranch in Henderson since 2012. They picked their home because they wanted to live close to the community park's playground. The playground is shaded by towering trees and soft grass. It has been the backdrop for countless playdates, lemonade stands, picnics, and family memories for them and their sons.

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30. Defendant has marked a total of 162,082 square feet of the grass in the Edington family's neighborhood as "nonfunctional"– even grass in a park, with a playground and trees for shade is allegedly "*useless*".

31. Currently, the functional grass (mislabeled as useless) will be removed January 15, 2026, to comply with AB 356.

32. The Edington family and their neighbors each are at risk of losing dozens more irreplaceable 40 to 60 foot, 40-year-old trees in and around parks, play areas, and recreational zones.

33. Children regularly use this area to set up neighborhood lemonade stands, sell cookies, and children's art.

34. The dog owners in the neighborhood meet every morning to let their dogs mingle and play.

35. Mr. Edington serves on the local HOA board at The Estates at Green Valley Ranch and has fought hard to preserve the community park's beautiful, highly functional grass and trees.

36. SNWA designated the grass immediately adjacent to the park and throughout the neighborhood as useless and nonfunctional turf.

37. The master HOA, the "Green Valley Ranch Community Association" applied for a waiver to keep the supposedly "useless" grass, only to be flatly rejected – even though it includes grass and trees for a *playground*.

38. The Edingtons and their local HOA "The Estates at Green Valley Ranch" were sure SNWA would reconsider its "useless" grass designation because the grass next to the playground meets the requirements necessary to be deemed "functional" even under SNWA's rules.

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39. Their waiver application was denied by SNWA without a hearing – even though the designated area includes grass and trees for a *playground* and is daily used for lemonade stands, picnics, gatherings, and as a dog park run.[6]

SOUTHERN NEVADA WATER AUTHORITY

Via Electronic Mail: kpullen@terrawest.com

August 13, 2025

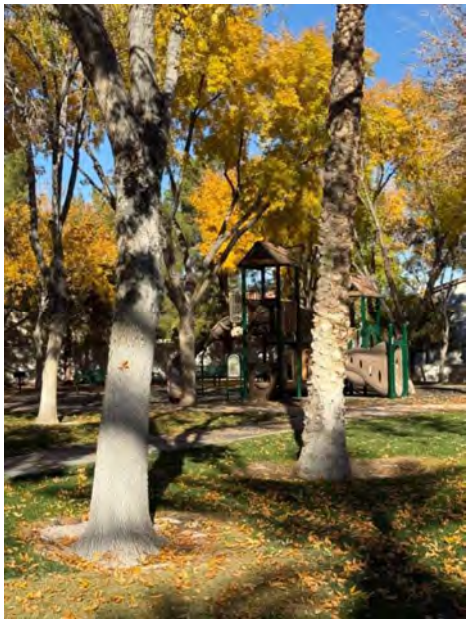
Green Valley Ranch Community Association
c/o Terra West Management
11135 S. Eastern Ave., Suite 120
Henderson, NV 89052

Subject: ASSEMBLY BILL (AB) 356 WAIVER APPEAL DETERMINATION FOR GREEN VALLEY RANCH COMMUNITY ASSOCIATION **(DENIED)**

Dear Association Board of Directors,

Thank you for your Waiver Appeal e-mail dated April 11, 2025. Southern Nevada Water Authority (Authority) staff are developing and implementing procedures consistent with Nevada law and the Nonfunctional Turf Removal Advisory Committee's (NTRAC) recommendations. The Authority is striving to help the community conserve water through the removal of non-functional turf, while trying to limit unintended consequences that may impact communities like Green Valley Ranch Community Association (Association).

The grass in the community park located on Carnegie Street and Cozy Hill Circle falls under Active/Programmed Recreation Turf designation in the NTRAC Recommendations Report. This refers to irrigated lawn (grass) in an active/programmed recreation area on homeowner association-owned or managed property, or at public parks and water parks (excluding park streetscape and community frontage areas).



40. Undeterred, the HOA appealed, but SNWA denied them again without due process, leaving them feeling utterly powerless in a process that seems rigged and futile. The impending removal threatens the survival of dozens of mature trees that shade the playground and neighborhood, diminishing the area's recreational value and increasing heat exposure for families and children.

41. Now, with essential "functional" grass removal slated for mid-January 2026, those irreplaceable trees are at risk – like the more than 100,000 dead trees before them.

42. The HOA was coerced by SNWA's threats of fines and subjective and irrational rules.

43. Like Plaintiff Snyder, SNWA has determined the trees in front of the Edingtons' home must also go for the same unlawful reason (i.e., SNWA claims homeowners do not own trees in front of their single-family residence because they are not exclusively "*used*" as a single-family residence) (additional photos are attached as **Exhibit C**).

[6] The park has a "pick up after your pet" plastic bag dispenser and trashcan for dog waste. This is of note because one of SNWA's "functional" uses is dog parks/runs.

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44. For the Edingtons, this is not just policy; it is personal heartbreak, robbing their children and neighbors of a safe, cool space to play, depressing their property values, and increasing cooling costs, while highlighting how fluid bureaucratic rules and overzealous agencies that attempt to enforce them can destroy community treasures without considering the profound loss of enjoyment of life and property value – without due process – for generations to come.

45. The Edingtons' HOA (fearing Defendant's unlawful fines) has already removed so much turf that its headline announcement in its December 2025 Community Newsletter was about a new $10 monthly assessment for replacing all the "dead, dying, and diseased trees in our community!"

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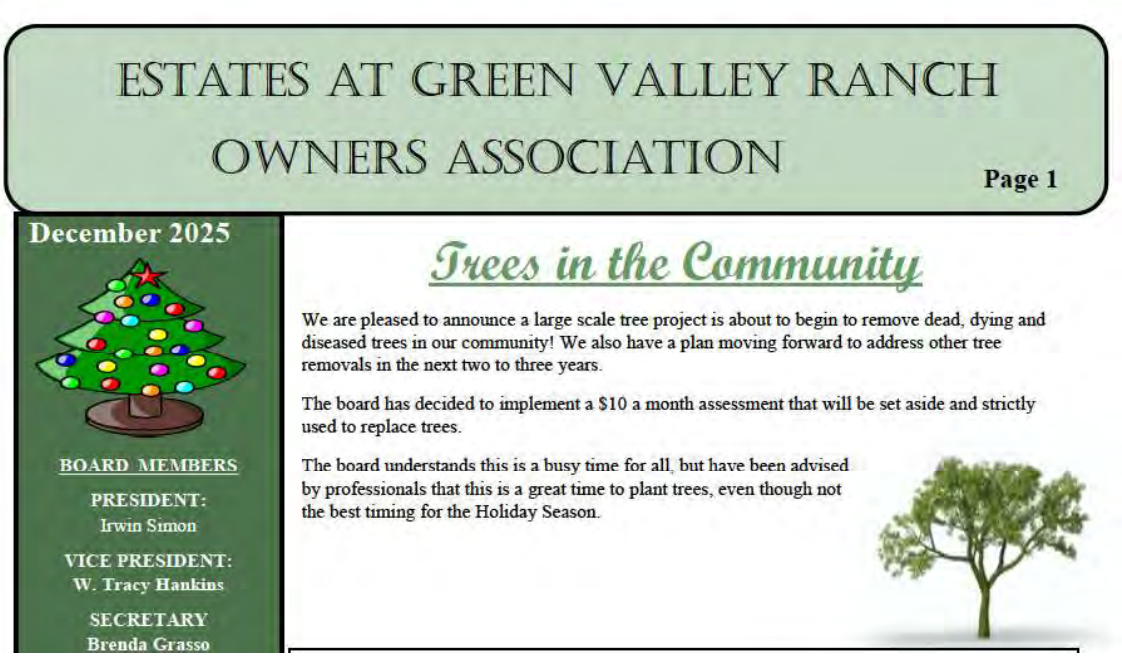

ESTATES AT GREEN VALLEY RANCH
OWNERS ASSOCIATION

Page 1

December 2025

BOARD MEMBERS
PRESIDENT:
Irwin Simon
VICE PRESIDENT:
W. Tracy Hankins
SECRETARY
Brenda Grasso

Trees in the Community

We are pleased to announce a large scale tree project is about to begin to remove dead, dying and diseased trees in our community! We also have a plan moving forward to address other tree removals in the next two to three years.

The board has decided to implement a $10 a month assessment that will be set aside and strictly used to replace trees.

The board understands this is a busy time for all, but have been advised by professionals that this is a great time to plant trees, even though not the best timing for the Holiday Season.

D. Millions of Others Throughout the Las Vegas Valley

46. Plaintiffs' plights represent the tragedy SNWA is causing for millions of Valley residents harmed by SNWA's unconstitutional abuse and overreach.

47. Public spaces like the large parks in Summerlin, Henderson, and North Las Vegas, are being turned into eye sores, a tortured mix between "no grass" and "unnatural rock" like the Cottonwood Tree Park in Summerlin where SNWA has forced the removal of what it unilaterally deemed "useless grass" rendering once open, inviting public spaces unusable, heat-absorbing, and insect-attracting eyes sores, where trees shrivel and die after the allegedly nonfunctional grass has been replaced with objectively useless rock.

48. Thanks to SNWA's unlawful conduct, the grass where families used to play with their children and pets has become a wasteland where few dare venture because of the risk of rock and heat. Many other parks throughout the Valley have already suffered the same destruction at SNWA's hands (additional photos are attached as **Exhibit D**).

III. RELEVANT NON-PARTIES

49. SNWA members include: (i) Las Vegas Valley Water District ("LVVWD"); (ii) City of Las Vegas Department of Public Utilities; (iii) City of North Las Vegas Utilities Department; (iv) City of Henderson Department of Utility Services; (v) Big Bend Water District (Laughlin); (vi) Clark County Water Reclamation District; and (vii) Virgin Valley Water District (Mesquite).

50. LVVWD is a Nevada political subdivision created by statute, headquartered in Clark County, Nevada, and conducting its governmental operations within this judicial district.

51. Nevada Legislature created LVVWD as a special-purpose municipal entity in 1947 under the Las Vegas Valley Water District Act, chapter 167, Statutes of Nevada 1947, as amended (the "WD Act"). *See* WD Act § 5.1; *see also Roberts v. Las Vegas Valley Water Dist.*, 849 F. Supp. 1393, 1395 n.1 (D. Nev. 1994).

52. Henderson Department of Utility Services ("HDUS") is a Henderson City municipal subdivision created by statute, headquartered in Clark County, Nevada, and conducting its governmental operations within this judicial district.

53. LVVWD, HDUS, and the other SNWA members are not regulated by the Public Utilities Commission of Nevada ("PUCN"). LVVWD, HDUS, and the other SNWA members cooperate with each other and are each subject to SNWA rules and policies.

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IV. JURISDICTION AND VENUE

54. Plaintiffs are residents of and real property owners in Nevada, with their principal places of residence in Clark County, Nevada, and have lost and risk loss of turf and trees in and around their residences.

55. This action arises under the Nevada Constitution, the laws of the State of Nevada, and the common law of Nevada, including but not limited to claims for declaratory and injunctive relief*, ultra vires* acts, and violations of statutory and fiduciary duties by public entities and officials.

56. This Court has subject matter jurisdiction over this action pursuant to Article 6, Section 6 of the Nevada Constitution, which vests the district courts with original jurisdiction in all cases in equity and in all cases at law which involve the legality of acts of public officers, agencies, or political subdivisions.

57. This Court further has jurisdiction pursuant to NRS 13.030, as Plaintiffs seek equitable relief and judicial review of unlawful governmental action, including declaratory and injunctive relief against Nevada political subdivisions and public officials acting under color of state law.

58. Venue is proper in this Court pursuant to NRS 13.040 and NRS 13.050, because a substantial portion of the acts and omissions giving rise to Plaintiffs' claims occurred in Clark County, Nevada, and because Defendant conducts business, maintains offices, and exercises governmental authority within Clark County.

59. Defendant SNWA is a regional water authority formed pursuant to Nevada law, headquartered in Clark County, and exercising governmental authority within this judicial district.

60. The challenged acts and omissions occurred in Clark County and were directed at, and caused harm to, Nevada residents within this district.

61. This Court has personal jurisdiction over all parties because each resides in, is domiciled in, conducts substantial governmental operations in, or committed the acts complained of within Clark County, Nevada.

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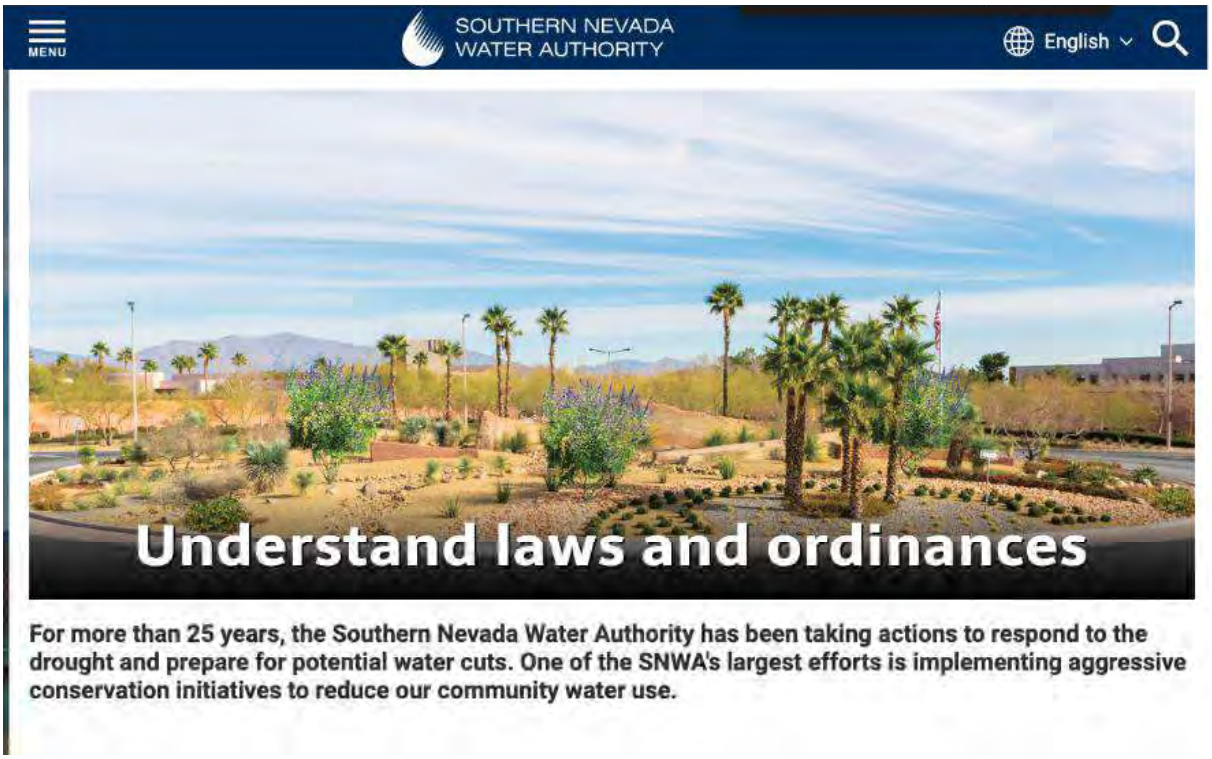
V. ADDITIONAL BACKGROUND

62. SNWA was never intended to police grass. They were created by statute to protect and serve the water needs and rights of Las Vegas Valley residents. Unfortunately, SNWA has suffered mission drift. Instead of serving Valley residents, Defendant has become an agency that polices, tickets, and abuses those they are statutorily charged to serve.

63. SNWA's website claims its sole role is *not* to serve or protect residents but instead to "implement[] aggressive conservation initiatives" [OBJ] to prepare for "potential water cuts."[7]



64. But as explained below, the Nevada Legislature never authorized the type of "aggressive" conduct that Defendant has initiated against the Valley's residents and so-called nonfunctional turf.

65. Rather, SNWA was created to allow its seven member agencies to operate cooperatively, by sharing resources – with limited enforcement power resting in the respective member agencies – not SNWA.

[7] Available at https://www.snwa.com/conservation/understand-laws-ordinances/index.html last visited December 31, 2025.

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66. The Nevada Legislature never empowered (and still has not empowered) SNWA to be the enforcement mechanism for water conservation.

67. It is true SNWA was empowered to educate consumers on conservation, and provide rebates and incentives, but that does not extend to the power to enforce police or control consumer behavior with aggressive campaigns, fines and police like tactics.[8]

68. Likewise, SNWA was never empowered to enforce the plan to ensure nonfunctional turf was removed.

69. Even so, in or around September 2022, SNWA began sending letters like the one below directing the removal of "nonfunctional, decorative grass by the end of 2026."

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[8] *See e.g.* Seven local governments including Las Vegas created SNWA as a political subdivision on July 25, 1991, by a cooperative agreement pursuant to NRS 277.080–277.180 (the "WA Act");

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SOUTHERN NEVADA WATER AUTHORITY™
1001 South Valley View Boulevard • Las Vegas, NV 89153
702-258-3939 • snwa.com

If you are a single-family residential property or have replaced your grass with artificial turf, kindly disregard this letter

September 2022

Dear Neighbor:

I am reaching out to you because satellite imagery indicates your property has grass, some or all of which may be subject to removal under a new law. Last year, the Nevada Legislature passed Assembly Bill 356 which prohibits using water delivered by Water Authority member agencies to irrigate nonfunctional, decorative grass by the end of 2026 except for single-family residential homes. This new law applies to businesses, homeowners' association common areas, apartment/condominium complexes, and other types of property. The rules regarding the removal of non-functional grass were developed by a citizens committee.

The Colorado River – Southern Nevada's primary water supply – is enduring a long-term drought that has depleted reservoir storage by more than *nine trillion gallons* since 2000. Communities all over the Southwest are ramping up water conservation efforts in response, and ours is no exception. The Southern Nevada Water Authority (SNWA) is working to help our community replace purely ornamental, decorative grass with drip-irrigated landscaping that uses up to 75 percent less water.

The first step in complying with the law is to contact the SNWA so we can map your property and outline which grass areas need to be removed and converted to drip-irrigated plants and trees, artificial turf, or other material. Please visit **snwa.com** or call **702-862-3740** to get started. We can also share information about available resources, including our cash incentive program to help reduce your initial outlays, a low-interest loan program that may be available to many property owners, and presentations to your board members, residents, and/or tenants.

By the end of 2026, all non-functional grass can no longer be irrigated. However, we encourage you to begin preparing for your conversion now while the Water Smart Landscapes incentive, which provides up to $3 per square foot for water-efficient landscape upgrades, is still available and before contractor and plant material prices increase due to higher demand.

Additional information about both the new law and the SNWA's Water Smart Landscapes incentive program is available at snwa.com. While online, you can also request a map of your property's grass to help your planning efforts. If you no longer have grass on this property, or if you believe your property's grass is not subject to AB 356, please email AB356@snwa.com with the address and any other pertinent information. We appreciate your cooperation, and we look forward to working with you.

Respectfully,

J.C. Davis
Manager, Enterprise Conservation

*If you are a single-family residential property, please disregard this letter.

SNWA MEMBER AGENCIES
Big Bend Water District • Boulder City • Clark County Water Reclamation District • City of Henderson • City of Las Vegas • City of North Las Vegas • Las Vegas Valley Water District

70. AB 356 and AB 220 never gave SNWA this duty, power or role of enforcement.

71. Rather than serving and protecting residents' water needs and rights, Defendant (and its member agencies) now punishes and fines residents for using "too much water," uses unlawful means to pressure property owners (*e.g.*, residents, homeowners' associations) to tear out functional grass that protects trees from yards, playgrounds, and parks, and in the process has killed more than 100,000 trees through these aggressive and unlawful policies and practices.

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72. Defendant wields AB 356 as a weapon to impose fines against residents, communities, churches, parks, and HOAs if they fail to remove functional residential grass, including grass that is essential to the survival of thousands of beautiful trees throughout the Valley, even though AB 356 expressly protects single-family residences, requires the preservation of functional turf, and says nothing about killing the Las Vegas Valley's trees to save water.

73. In addition to these letters, Defendant and its member agencies like LVVWD troll Las Vegas Valley neighborhoods in co-branded police-like patrol cars with the motto "Don't Waste Water. It's the Law." emblazoned on the back, and Defendant's logo, issuing water warnings to punish residents into compliance and change public behavior.

74. Defendant and its member agencies have no lawful authority to police, threaten, or enforce AB 356's requirements: the statute expressly limits SNWA's role to "develop[ing] a plan to identify and facilitate the removal of existing nonfunctional turf" within its service area.

Photo taken 9/2025

Photo of SNWA/LVVWD patrol car, courtesy of NPR.org[9]

75. Defendant and its member agencies, in concert and under the direction of John Entsminger, empowered by an unconstitutional AB 356, have anointed themselves the water

[9] *See* https://www.npr.org/2025/08/28/nx-s1-5518196/las-vegas-drought-water-patrol-conservation *see also* https://knpr.org/2025-08-20/las-vegas-turns-to-water-patrols-one-of-many-conservation-efforts-in-the-thirsty-mountain-west

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legislature, enforcer (aka police), judge, jury, and executioners to engage in *ultra vires* actions, forcing the removal of functional grass via unlawful threats, leaving thousands of trees for dead all across the Las Vegas Valley.

76. Under Nevada law, SNWA cannot and does not have the power to create, interpret, enforce, and finally adjudicate the law under AB 356, specifically whether grass is functional or nonfunctional and must be removed. Such an unchecked combination of power is facially unconstitutional. SNWA's abusive misconduct that is destroying the Valley's trees and stripping hundreds of millions of dollars in private property value highlights why the Constitution prohibits such consolidated power.

77. Defendant was originally empowered to procure and provide water, educate residents, and educate users on conservation[10], but SNWA has corrupted this laudable mission and anointed itself water overlord, patrolling Las Vegas Valley streets in marked enforcement vehicles, issuing citations, shaming and punishing residents, to extract up to $100,000,000 from Valley residents via so-called excessive-use charges and fines.

78. Defendant has taken a good and necessary cause—water conservation—and used it to wage an unconstitutional, irrational war against 1,000 acres of so-called "useless grass"[11] and have killed more than 100,000 trees as collateral damage.

79. Defendant wages this destructive, punitive war against Valley residents under the pretense of its statutory duty to educate the public about water conservation.

[10] *See e.g.* Las Vegas Valley Water District Act, chapter 167, Statutes of Nevada 1947, as amended (the "WD Act") *see* WD Act § 5.1; later seven local governments including Las Vegas created SNWA as a political subdivision on July 25, 1991, by a cooperative agreement pursuant to NRS 277.080–277.180 (the "WA Act");
[11] Available at https://www.snwa.com/conservation/understand-laws-ordinances/index.html last visited December 31, 2025.

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80. Section 14 of the Defendant's enabling statute, does give them the authority to "Develop and distribute information promoting education and the conservation of groundwater in the Basin".[12]

81. But this authority only extends to groundwater, not river water. And Defendant is not just "promoting education and conservation" to residents, they are coercing and shaming them with sensational YouTube Videos like these declaring "useless grass is illegal." And by "useless" grass, SNWA means nonfunctional turf as contemplated by AB 356. To seize this unlawful authority, SNWA has raised its "service rules" to the status of law and claims in its marketing that nearly all grass valley wide as nonfunctional turf and, thus, illegal under AB 356.

82. But all grass is *not* illegal (or useless).[13]

83. Alarmingly, only SNWA gets to decide what "useless" turf means without any meaningful ability to challenge that decision. Which is one reason why SNWA's definition of "non-functional" is ever changing, and ranges from merely "decorative" to "useless" to "wasteful" without any legislative direction, input or safeguards.

[12] *See* Southern Nevada Water Authority Enabling Act, Chapter 572 of the Statutes of Nevada 1997 available at *https://www.leg.state.nv.us/SpecialActs/71-SNevadaWaterAuthority.html?utm_.com*

[13] If useless grass was "illegal" SNWA wouldn't need to offer incentives to encourage people to replace it.

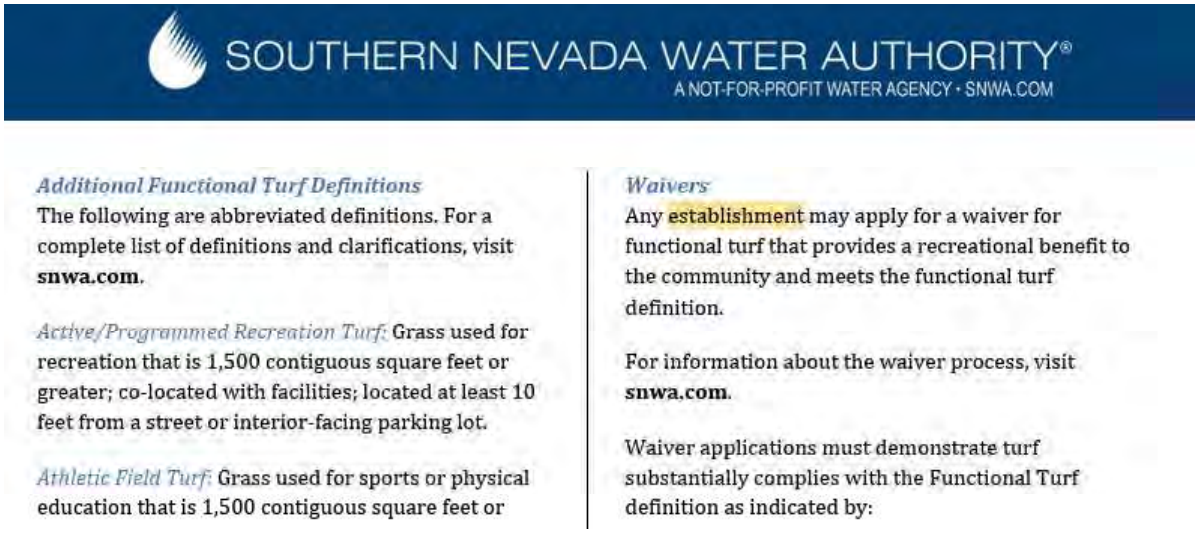
84. This is the case even though (a) the Nevada Legislature *expressly* required SNWA to *protect* single-family residential grass in AB 356 and (b) as detailed below, SNWA is statutorily bound under Dillon's rule (codified at NRS 268.001) to protect Valley residents' current water usage.

85. SNWA has ignored these legal requirements and instead views AB 356 as a license to kill grass (and by extension, trees) *anywhere* in the Las Vegas Valley except for small areas immediately surrounding single-family homes.

86. According to SNWA, grass located in existing parks, private yards, community areas, churches, school fields, and play areas is all nonfunctional or useless.

87. But residents were expressly exempted by the legislature, and because there is no appeal process for residents, Plaintiffs and others around the Las Vegas Valley have no way to protect trees in their front yards, parks, schools, and community areas.

88. As shown in screen shots from SNWA's website, once SNWA has deemed grass nonfunctional or "useless", only "establishments" (not residents) may seek a waiver to protect the grass and trees.[14]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Additional Functional Turf Definitions
The following are abbreviated definitions. For a complete list of definitions and clarifications, visit **snwa.com**.

Active/Programmed Recreation Turf: Grass used for recreation that is 1,500 contiguous square feet or greater; co-located with facilities; located at least 10 feet from a street or interior-facing parking lot.

Athletic Field Turf: Grass used for sports or physical education that is 1,500 contiguous square feet or

Waivers
Any establishment may apply for a waiver for functional turf that provides a recreational benefit to the community and meets the functional turf definition.

For information about the waiver process, visit **snwa.com**.

Waiver applications must demonstrate turf substantially complies with the Functional Turf definition as indicated by:

89. What are the "establishments" SNWA acknowledges?

[14] Available at https://www.snwa.com/apps/watersmart-landscape-commercial-waiver/index.cfml?step=start, last visited December 31, 2025.

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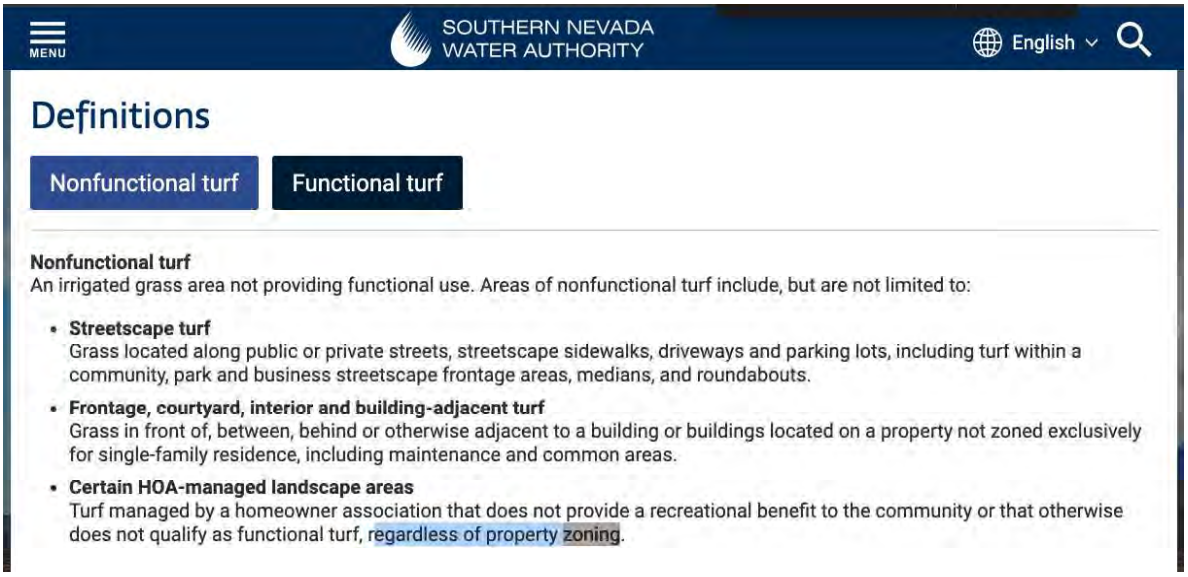
90. As depicted on Defendant's website below, they will only entertain appeals from: (i) "Homeowner's Association", (ii) "Apartment/Fourplex/Triplex/Duplex", or (iii) "Commercial or Golf Course" entities as shown on SNWA's website.[15]

91. Defendant's unlawful overreach is so outrageous, they even explicitly state that they have authority over grass regardless of zoning.[16]



92. In doing so, Defendant's "service rules" that were not approved by the Legislature claim priority over state, county, and city property rights and laws and constitutional protections.

[15] *Id.*

[16] Available at https://www.snwa.com/conservation/understand-laws-ordinances/index.html last visited December 31, 2025. AB220 explicitly amended the language of AB356 from: "parcel of property that is not zoned for single-family residence" to "parcel of property that is not used exclusively as a single-family residence" but this too is subjective and irrational and overrides property rights and values without protections or seizure rights.

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93. This overreach is so extensive, Las Vegas Valley residents are not allowed to protect the trees in front of their own homes—on their personal real property—if their HOA maintains the property.

94. The Nevada Legislature did not create these rules that SNWA claims are the law in its supposed educational materials. A Nevada regulatory agency did not interpret these laws into the Nevada Revised Statutes or Nevada Administrative Code. Rather, these alleged "laws" are merely "service rules" Defendant and its member agencies now improperly call laws.[17]

95. And even then, the key provisions, like the definition of "functional" and "non-functional turf" are not in SNWA's "service rules." Rather, SNWA's service rules merely "define" these terms by incorporating SNWA's website. As such, the definitions are invalid (or non-existent) because they were never properly promulgated.

96. Nevada law, AB 356 included, does not authorize Defendant to unilaterally define and decide whether grass serves a function regardless of its location, especially without adequate due process via an appropriate appeals process.

97. It is true that AB 356 and AB 220 modified the Conservation of Colorado River Water Act available at Chapter 364, Statutes of Nevada 2021 to reference the idea of non-functional turf and provide for plan and a deadline of December 31, 2026. But nowhere does the new law give SNWA the authority to enforce, or penalize non-enforcement.[18]

98. And nowhere in AB 356 or AB 220 does the legislature define the terms "functional" or "nonfunctional" turf.

99. Without clear authority, Defendant is breaching its fiduciary duties to the State of Nevada, violating Nevada law (including AB 356), threatening residents with misinformation to achieve nominal water savings[19], tearing up grass that cools and protects

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[17] As explained below, SNWA has claimed an unlawful delegation of legislative authority, in violation of Nevada's modified Dillon's rule, as explained below, and in a gross overreach of their executive functions, have seized legislative authority by creating their rules without legislative oversight, in violation of the separation of powers and required legislative process.

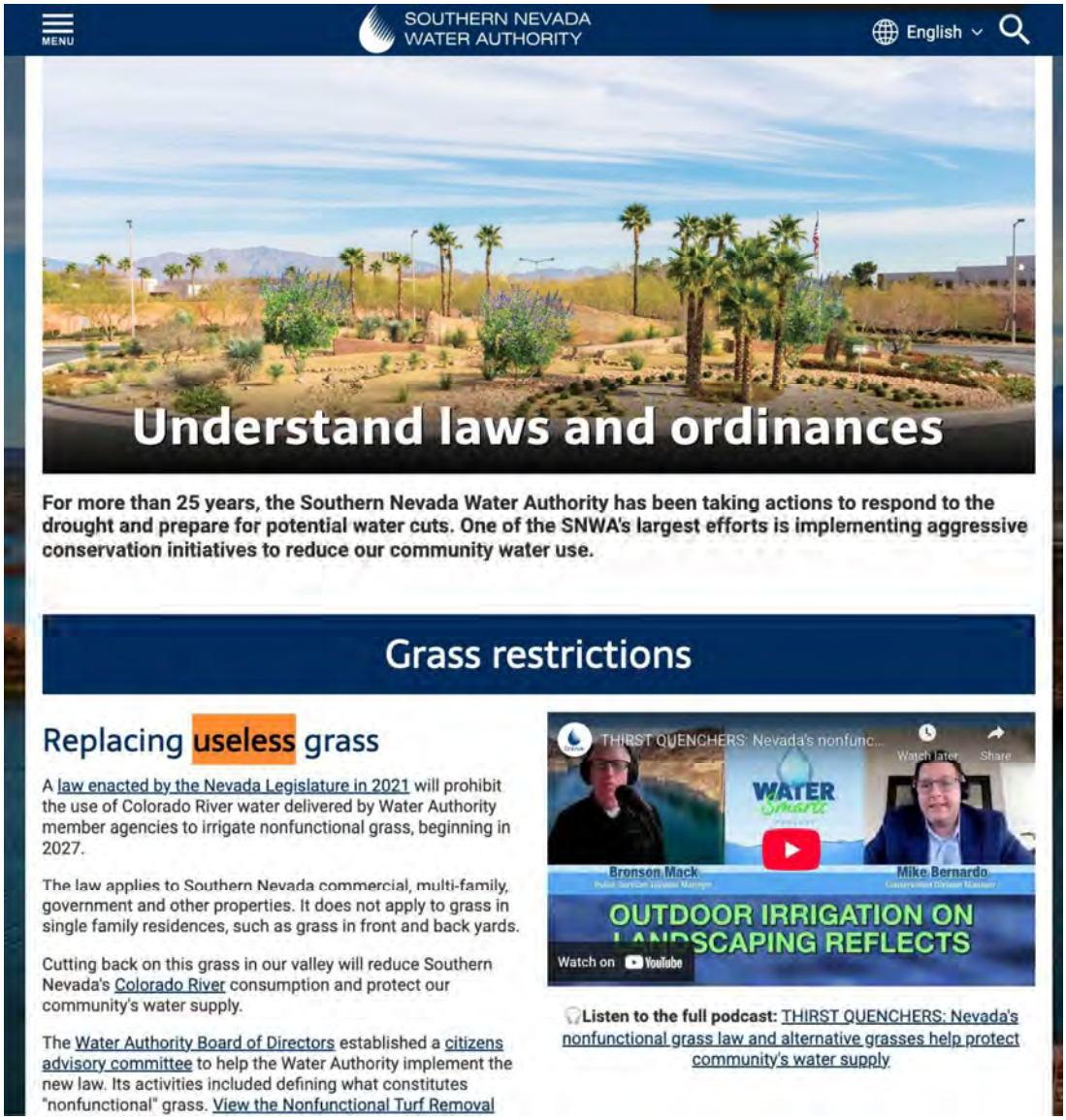
[18] A copy of the Colorado River Conservation Act is available at https://www.leg.state.nv.us/SpecialActs/63-ConservationColoradoRiverWater.html?.com last visited January 3, 2026.

[19] SNWA has stated roughly 2% of Nevada's allocation of the Colorado river water will be saved by AB 356 measures. Some have opined that more water is lost from Lake Mead by evaporation than will be saved by AB 356's "non-functional turf" measures.

green space that millions of Valley residents use and enjoy, and executing capital punishment on trees across the Valley.

100. There will be no Las Vegas meadow or green canopy to enjoy if SNWA is permitted to continue to remove residential grass and kill hundreds of thousands more trees in the weeks and months to come.

101. Defendant is robbing the next generations of Valley residents of the benefits, enjoyment, cooling, and shade the prior generations took more than 100 years to carefully create.



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102. Defendant's war against what they call "useless" and "nonfunctional" turf has become irrational and sensational.

103. As if on a witch hunt, SNWA is more concerned about removing "evil" grass than saving water. This is evident by emails from SNWA employees like Hillery Francis dated April 30, 2024, explaining residents "could remove the nonfunctional grass and retain the existing irrigation system to be compliant with AB 356."

104. In other words, SNWA is more concerned with the witch hunt like removal of grass, not irrigation systems; as if saying they don't care about saving water, they care about removing "useless" and "non-functional" grass.

105. But grass that children, families, and communities play on is "functional" and grass that protects trees (in front of residents' homes) is not "useless." Without grass cover, the trees die. Defendant has become more focused with removing plants than saving water or protecting the rights of Las Vegas residents. Such bureaucratic devastation and overreach must be stopped.

106. Defendant has pointed to AB 356 to force HOAs to remove "useless grass" by December 31, 2026.

107. And Defendant has created marketing campaigns including one called "Team Lake Mead", paying up to $70,000,000 (or more) to the NHL Vegas Golden Knights, the MLBAAA Las Vegas Aviators,[20] the NFL Las Vegas Raiders[21] and other celebrity endorsements, to shame "bad" users, and make hundreds of YouTube videos to convince the world their AB 356 rules have the color of law (in Spanish and English).[22]

108. Upon information and belief, and as can be discerned from public record searches, initial estimates suggest Defendant has spent and/or committed more than **$70,000,000** in outreach, marketing, and advertising efforts to convince Clark County that watering or having non-functional turf is against the law, including a $30,000,000 multi-year contract with the Las Vegas Raiders.

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[20] *See* https://www.reviewjournal.com/news/politics-and-government/golden-knights-aviators-join-team-lake-mead-with-new-ad-campaign-3102507/.com last visited December 31, 2025.

[21] *See* https://thenevadaindependent.com/article/snwa-would-pay-30-million-to-raiders-under-proposed-decade-long-advertising-contract-for-water-conservation.com where SNWA offered the Raiders $30,000,000, last visited December 31, 2025.

[22] *See* https://www.youtube.com/watch?v=NzHT_WY5e-U featuring Spanish singer/actor/model Neise Cordeiro.

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109. These advertisements maintain that under the color of AB 356, all streetscape grass must be removed – even if it is regularly enjoyed by Las Vegas Valley residents.

110. And even if it is owned by residents, within their own property.

111. Given this barrage of marketing and media noise, and to avoid fines, and the penalty of Defendant's alleged law, HOAs valley wide have complied with Defendant's interpretation and implemented "Mandatory Turf Removal."

112. As shown in the following photos, trees that undergo a "Mandatory Turf Removal" under their canopies die in short order.


113. In Summerlin alone, thousands of 30–40-year-old trees, including 50–60-foot sycamores, have had their grass removed, and then been left to bake and die—marked for removal with red paint.

114. As shown below, because only 10% of trees survive this conversion process, "Mandated Turf Removal" means mandatory tree removal.



115. This valley-wide destruction of Las Vegas's green canopy directed and overseen by Defendant is irrational, costly, irreversible, and most importantly unlawful.

116. Additional photos of hundreds of trees that died after their grass cover was removed in a "mandatory conversion" resulting from Defendant's unlawful actions and policies are attached herewith as **Exhibit E**.

117. Defendant's destructive overreach in removing "functional" grass by labeling it "useless" despite the protection it affords trees, will continue to destroy trees across the Valley, and kill another 100,000, unless stopped by this Court.

VI. PARTIES

118. Kim Snyder owns and resides in real property located in Summerlin in Clark County, Nevada.

119. Alexander Nill, individually and as managing member of GUBERLAND LLC, owns and resides in real property located in East Las Vegas in Clark County, Nevada.

120. Husband and wife, Jenny-Lynne and Mark Edington, own and reside in real property located in Henderson, Clark County, Nevada.

121. Defendant SNWA is a statutory creature, created by inter-operation contract, of Clark County, Nevada.

122. Plaintiffs reserve the right to seek leave of the Court to add the additional member agencies of SNWA if and when it becomes necessary.

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123. Plaintiffs are informed and believe that at all relevant times other persons and entities existed or acted in concert whose names and capacities are presently unknown and who are therefore designated as DOE INDIVIDUALS and ROE GOVERNMENTAL AGENCIES.

124. Each DOE and ROE Defendant is alleged to have participated in, directed, implemented, enforced, or ratified the acts, omissions, policies, or practices challenged in this Complaint, and thus caused or contributed to the injuries suffered by Plaintiffs.

125. Plaintiffs will seek leave of the Court to amend this Complaint to substitute the true names and capacities of the DOE and ROE Defendants when ascertained.

VII. GENERAL FACTUAL ALLEGATIONS

126. Las Vegas (aka "The Meadows" in Spanish) has been a green oasis at least since it was first observed by Spanish Mexican explorers in 1829.[23]

127. Las Vegas has been naturally green due to an undefined amount of groundwater independent of the Colorado River.[24]

128. The Las Vegas Valley's residents have carefully and lovingly expanded that meadow oasis, filling the Valley with hundreds of thousands of trees over the last 90 years.

129. Before the passage of AB 356, Defendant had strict requirements to plant trees for every acre of development to grow a healthy and cooling green canopy over the valley.

130. This green canopy lowers temperatures, decreases energy and cooling costs, and improves property values and quality of life and enjoyment.

131. Under the auspices of AB 356 and water conservation, Defendant is now killing the ecosystem it took generations to cultivate.

A. HISTORY OF DEFENDANT

132. Water is essential to life and a fundamental property right, and the Nevada Legislature created SNWA to help protect Nevada's water rights.

[23] Las Vegas, the name given to the area by early Spanish Mexican explorers, means "the meadows" or "fertile plains" due to the area's artesian wells that supported grassy areas in the middle of the Mojave Desert. *See* Al, Stefan, *The Strip: Las Vegas and the Architecture of the American Dream* (2017); *see also* https://ponce.sdsu.edu/las_vegas_name.html (last visited Dec. 29, 2025); *Cooperative Agreement Establishing the Southern Nevada Water Authority* (July 25, 1991) (on file with the Clark County Recorder), authorized by Nev. Rev. Stat. §§ 277.080–.180.

[24] *Id.*

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133. SNWA is a creature of statute, a municipal entity created to serve Las Vegas Valley residents with public utility water service.

134. Unlike a private utility monopoly, Defendant is *not* regulated by the Public Utilities Commission of Nevada ("PUCN"). Neither are its seven members.

135. On July 25, 1991, seven local governments created SNWA as a political subdivision by a cooperative agreement pursuant to NRS 277.080–277.180 (the "WA Act"); governed by a Board of Directors comprised of representatives from each of SNWA's member agencies, including LVVWD.[25]

136. Defendant has historically managed up to 300,000 acre-feet of water from the Colorado River.

137. Separate from that water, Las Vegas Valley residents have historically pumped more than 71,000-acre feet of water independent of the Colorado River.[26]

138. John Entsminger, Esq. ("Entsminger") serves simultaneously as General Manager of SNWA and LVVWD and as Nevada's representative on Colorado River matters.

139. Entsminger is paid more than $600,000 a year in salary and benefits (more than the President of the United States or similar officials in other states like California).[27]

140. Under Nevada's "modified Dillon's Rule," codified at NRS 268.001, Defendant may only exercise powers granted to it by the Nevada Revised Statutes.

B. Legislative History Highlights Residents Are To Be Protected

141. In 2021, Nevada enacted Assembly Bill 356 in response to declining Colorado River water supplies. AB 356 prohibited, with limited exceptions, the use of Colorado River water distributed by SNWA or its member agencies to irrigate "nonfunctional turf" on property not zoned exclusively for single-family residential use beginning January 1, 2027,

[25] SNWA members are (i) Las Vegas Valley Water District (LVVWD); (ii) City of Las Vegas Department of Public Utilities; (iii) City of North Las Vegas Utilities Department; (iv) City of Henderson Department of Utility Services; (v) Big Bend Water District (Laughlin); (vi) Clark County Water Reclamation District; and (vii) Virgin Valley Water District (Mesquite). **Plaintiffs reserve the right to seek leave of the Court to add additional member agencies if and when necessary to provide complete relief.**

[26] LAS VEGAS VALLEY HYDROGRAPHIC BASIN 13-212 GROUNDWATER PUMPAGE INVENTORY CALENDAR YEAR 2024 https://tools.water.nv.gov/Pumpage%20Inventories/212%20-%20Las%20Vegas%20Valley/212%20-%202024%20-%20Las%20Vegas%20Valley.pdf

[27] https://www.openthebooks.com/nbc3-salaries-of-nevadas-highest-paid-water-officials/

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but AB 356 did not define "functional turf" or "nonfunctional turf." *See* A.B. 356, 81st Leg., Reg. Sess. § 39 (Nev. May 11, 2021).

142. AB 356 directed SNWA's Board of Directors to define "functional turf" and "nonfunctional turf" and to develop a plan to identify and facilitate the removal of nonfunctional turf, while also authorizing limited waivers or extensions. *Id.* at 4. The statute also created the Nonfunctional Turf Removal Advisory Committee ("NTRAC") as a temporary advisory body and directed it to provide written recommendations to SNWA Board. *Id.* at 5.

143. Importantly, AB 356 did *not* empower SNWA or its members to remove the "nonfunctional turf", did *not* authorize SNWA or its members to enforce AB 356, gave them no enforcement authority, and created no penalty mechanism for failure to comply with AB 356.

144. When AB 356 was presented to the Legislature, both SNWA representatives and legislative sponsors repeatedly assured lawmakers and the public that the bill would protect residential areas and green spaces serving quality of life purposes while pushing conservation. These were not casual remarks but explicit, on-the-record promises about what the legislation would and would not do.

145. SNWA's own representatives led these assurances. On May 11, 2021, Andy Belanger testified before the Senate Committee on Natural Resources, explaining that AB 356 would only apply to "any property *not* zoned exclusively for a single-family residence." Minutes, S. Comm. on Nat. Res., 81st Leg., Reg. Sess. at 4 (Nev. May 11, 2021) (emphasis added). In other words, single-family residents were protected. To eliminate any ambiguity, SNWA submitted a proposed amendment specifically to "clarify" that Colorado River water could not be used for nonfunctional turf "on any property not zoned exclusively for single-family residences." *Id.* SNWA affirmatively sought this clarification to ensure single-family residential areas remained protected, implicitly acknowledging the importance of preserving property rights and assuring protections were in place for resident quality of life.

146. SNWA also acknowledged that the vast majority of turf in the Las Vegas Valley served important residential purposes. Colby Pellegrino, SNWA's Deputy General Manager for Water Resources, testified that of the 12,600 acres of turf remaining in the

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Valley, fully "7,600 acres is turf needed for quality of life, recreation and residential use." *Id.* In other words, SNWA's own data showed that more than 60 percent of Valley turf was functional because it served residents' quality of life and recreational needs.

147. The bill's legislative sponsor reinforced these protections even more explicitly. Assemblyman Howard Watts assured the Senate Committee that "Assembly Bill 356 is not intended to target common areas in communities" because "[c]ommon areas in these communities are considered functional turf." *Id.* at 10. He clarified that "[g]reen spaces in multifamily developments are not being addressed in the bill" and that the legislation targeted only "[m]edians and other areas serving no purpose." *Id.* Unequivocally community green spaces were functional, protected, and off-limits.

148. The testimony from homeowner association representatives confirmed this understanding. Tonya Bates, representing the Community Association Institute Nevada Legislative Action Committee, expressed initial concerns that "not every home is located in areas zoned exclusively for single-family residences" and that "many SNWA customers live in condominiums where the only green space may be the common area." *Id.* Assemblyman Watts directly addressed these concerns, reiterating that "Assembly Bill 356 is *not* intended to target common areas in communities" because "[c]ommon areas in these communities are considered functional turf." *Id.* (emphasis added). These reassurances that residential common areas were protected addressed concerns raised by stakeholders representing homeowner associations.

149. In an earlier session, when Assemblywoman Cohen raised concerns about protecting families in multifamily dwellings whose "greenbelt areas may be more functional than for people who live in single houses," Chair Watts assured her that the legislation "specifically addresses nonfunctional turf that is not residential, which includes both single family and multifamily areas." Minutes, Assemb. Comm. on Nat. Res., 81st Leg., Reg. Sess. at 11 (Nev. Apr. 9, 2021). Assemblywoman Cohen emphasized the critical point: "sometimes that turf appears to be just ornamental, yet it is actually more than that for the people who live there." *Id.* The Legislature understood that what might appear decorative to an outside observer serves vital functions for the residents who live with and enjoy that green space

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daily. They understood that, absent these protections, they would be harmfully impacting people's homes and properties.

150. The legislative record is unambiguous: AB 356 was intended to remove truly wasteful turf (medians, unused commercial strips) while protecting residential green spaces that serve quality of life, recreational, and aesthetic purposes. Only by strictly observing these protections would it truly avoid a harmful effect "on the quality of life for people in Las Vegas Valley." *Id.*

151. SNWA reinforced these legislative assurances in public-facing materials. In its "AB 356 FAQ", SNWA addressed the question: "Does this mean you'll show up at my house to remove my grass?" SNWA's answer was clear: "*No***.** The legislation does *not* include single-family residential homes that have grass in the back or front yard." SNWA, AB 356 FAQ, Nonfunctional Turf Removal (available at https://www.snwa.com/conservation/understand-laws-ordinances/index.html) (emphasis added).

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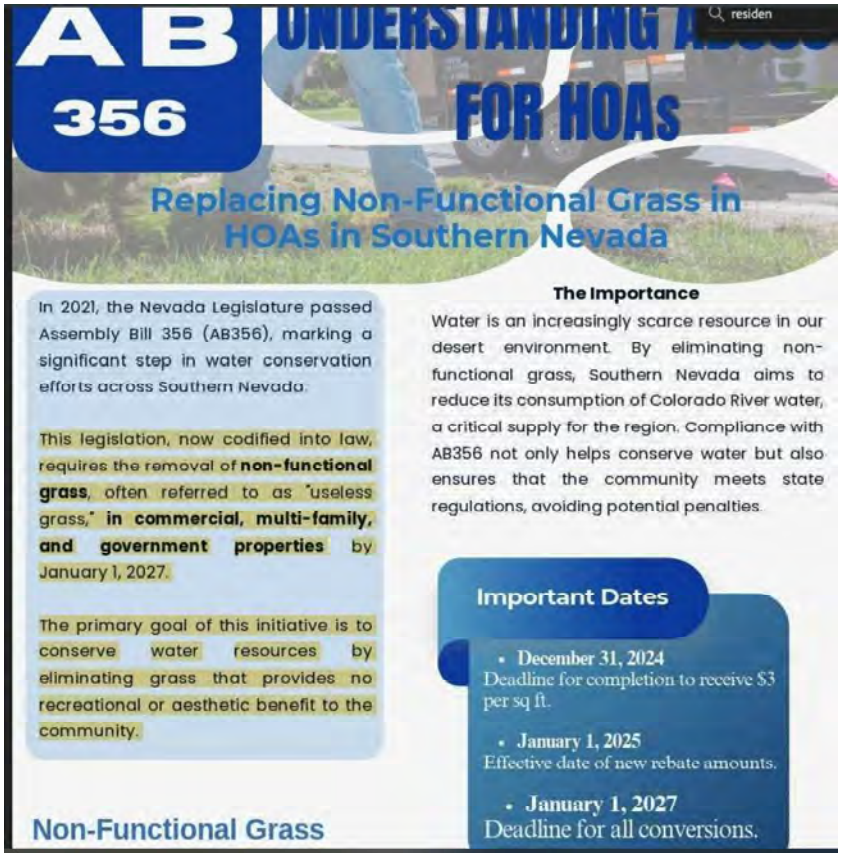
152. SNWA's educational materials consistently described AB 356 as targeting "non-functional grass... in commercial, multi-family, and government properties" and eliminating only "grass that provides no recreational or *aesthetic* benefit to the community." SNWA, AB 356: Replacing Non-Functional Grass in HOAs in Southern Nevada.



153. These public marketing representations mirrored SNWA's legislative testimony: residential areas and grass serving recreational or *aesthetic* community benefits (like residential front yards and greenspaces) were protected.

154. But SNWA has not stayed true to these representations. They misled the Legislature and Nevadans and used ambiguity and vagueness in AB 356 to create confusing rules to target residential turf.

C. The NTRAC Study and Advisory Recommendations

155. Between August and November 2021, NTRAC convened public meetings and issued a written report titled *SNWA Nonfunctional Turf Removal Advisory Committee Recommendations Report* (Nov. 2021). The NTRAC Report was an advisory document transmitting proposed definitions and recommended waiver criteria to SNWA's Board of

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Directors, consistent with NTRAC's advisory role under AB 356. *See* A.B. 356 §§ 40–41; SNWA Nonfunctional Turf Removal Advisory Committee, *Recommendations Report* §§ I–III (Nov. 2021).

156. NTRAC proposed a restrictive definition of "functional turf," limiting that term to irrigated grass used for enumerated categories of active or programmed human use, including athletic fields, playgrounds, golf course play areas, limited pet relief areas, and small residential use areas, and recommending that all other irrigated turf be treated as "nonfunctional." *Recommendations Report* at 8–10 (Nov. 2021).

157. The NTRAC Report contains no reference to trees, tree canopy, irrigation-dependent landscapes, the need for turf to protect and preserve existing trees and their root systems, or preservation of existing trees as a factor relevant to defining functional turf or granting waivers. *See id*. (the word "tree" does not appear once in the report; rather discussion focused solely on turf categories and implementation considerations).

D. AB 220 Reaffirmed Residential Protections

158. In 2023, the Legislature enacted Assembly Bill 220, which amended portions of the Conservation of Colorado River Water Act (Chapter 364, Statutes of Nevada 2021) originally enacted through AB 356. AB 220 clarified enforcement provisions and amended Section 39 of the 2021 Act, referencing non-functional turf and establishing a plan with a deadline of December 31, 2026. Again, AB 220 did not supply statutory definitions of "functional turf" or "nonfunctional turf." *See* A.B. 220, 82d Leg., Reg. Sess. § 31 (Nev. 2023). Critically, AB 220 did not give SNWA, its members, or any other entity the authority to enforce or penalize non-compliance with AB 356 or AB 220. [28]

159. During the AB 220 legislative hearings, SNWA reaffirmed the original protections for single-family residences. Andy Belanger testified that "Section 31 makes minor changes to A.B. No. 356 from the 81st Session to better match legislative intent and clarify that any property or parcel that is *not* used exclusively as a single-family residence is required to remove nonfunctional turf." Minutes, S. Comm. on Nat. Res., 82d Leg., Reg. Sess.

[28] Available at https://www.leg.state.nv.us/SpecialActs/63-ConservationColoradoRiverWater.html?.com A copy of the Colorado River Conservation Act is available at https://www.leg.state.nv.us/SpecialActs/63-ConservationColoradoRiverWater.html?.com last visited January 3, 2026.

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at 21 (Nev. May 16, 2023). This clarification reinforced the single-family residence protection by extending the protections to any property that was used (not just zoned) as a single-family residence.

160. Importantly, SNWA's own testimony during AB 220 continued to characterize its approach as voluntary and educational rather than mandatory and punitive. Mr. Belanger described SNWA's excessive use charges (which affected only the top 6 percent of water users) in encouraging rather than coercive terms, explaining that SNWA "encourage[s] remaining customers affected by the charge to follow the watering schedule, reduce outdoor watering and consider how much grass they still need." *Id.* (emphasis added). The language of "encourage" and "consider" reflects SNWA's representations that it would work with residents through education and incentives, *not* through aggressive enforcement tactics or HOA coercions that destroy residential landscaping.

161. During the same May 16, 2023 hearing, SNWA continued to insist turf removal would not harm trees. Colby Pellegrino testified that concerns about "removing turf from single-family homes" was causing tree death was unfounded because "it is not killing trees" but simply reduces water use by ensuring "tree roots [are] watered one day a week in the winter, not seven." *Id.* at 27. This representation has proven tragically false, as SNWA's enforcement has resulted in the death of more than 100,000 trees across the Las Vegas Valley.

162. The Legislature's intent remained consistent across both the 2021 and 2023 sessions: protect residential areas, preserve quality of life green spaces, and pursue water conservation through voluntary, resident-serving measures rather than punitive destruction of functional landscaping. If anything, the residential protections were expanded to protect not only those areas zoned for single family residents but used as such.

E. Defendant's Illegal Definition of "Useless" and "Non-Functional" Turf

163. Surprisingly, neither AB 356 or AB 220 define the term "non-functional" or "useless" turf.

164. As such, the Nevada Revised Statutes ("NRS") do not define non-functional turf.

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165. Similarly, the Nevada Administrative Code ("NAC") does not define non-functional turf.[29]

166. The definition of these crucial terms, which are impacting personal property rights, destroying parks and schools, and robbing hundreds of millions of dollars in property value from Las Vegas Valley residents, was left to Defendant with zero legislative oversight and no due process protections for property owners.

167. But not even Defendant's evolving service rules fully define "functional" and "non-functional turf." Instead, the terms are on SNWA's website.[30]

168. Even though these "rules" are not enacted or preserved in the NRS, or NAC, and are simply website-based service rules created and modified without accountability to the Las Vegas Valley residents, Defendant regularly (and overreachingly) refer to them as "laws" to scare and force compliance.

169. Even the hyperlink containing Defendant's "rules" improperly refers to the "rules" as "laws" further reinforcing Defendant's overreach even though Defendant's useless turf "law" is *not* actually law and cannot be enforced by SNWA or its members. [31]

170. Rather the definitions of "useless" and "non-functional" turf ideas are simply presented as the "law" on SNWA's website and in meeting minutes, as follows:

A. Nonfunctional turf: An irrigated grass area not providing functional use. Areas of nonfunctional turf include, but are not limited to:

i. Streetscape turf

Grass located along public or private streets, streetscape sidewalks, driveways and parking lots, including turf within a community, park and business streetscape frontage areas, medians, and roundabouts.

ii. Frontage, courtyard, interior and building-adjacent turf

[29] As a result, it appears the Nevada legislature left far too much to Defendant's discretion, creating a statute that is either void for vagueness, or alternatively gave Defendant an unconstitutional delegation of legislative and judicial authority.

[30] *See* SNWA, *Definitions*, https://www.snwa.com/laws/definitions.html; LVVWD Service Rules Ch. 1.

[31] *See* https://www.snwa.com/conservation/understand-**laws-ordinances**/index.html

Grass in front of, between, behind or otherwise adjacent to a building or buildings located on a property not zoned exclusively for single-family residence, including maintenance and common areas.

iii. Certain HOA-managed landscape areas

Turf managed by a homeowner association that does not provide a recreational benefit to the community or that otherwise does not qualify as functional turf, regardless of property zoning.

B. Whereas, "Functional" turf is as follows:

i. Functional turf:

An irrigated grass area that provides a recreational benefit to the community and is:

- Located at least 10 feet from a street, installed on slopes less than 25 percent and not installed within street medians, along streetscapes or at the front of entryways to parks, commercial sites, neighborhoods, or subdivisions.
- Active/programmed recreation turf, athletic fields, designated-use-area turf, golf course play areas, some pet relief turf, playground turf or resident area turf.

ii. Active/programmed recreation turf

Grass used for recreation that is 1,500 contiguous square feet or greater; co-located with facilities; and located at least 10 feet from a street or interior-facing parking lot unless the turf area is at least 30 feet in all dimensions or immediately adjacent to an athletic field.

iii. Athletic field turf

Grass used for sports or physical education that is 1,500 contiguous square feet or greater; not less than 30 feet in any dimension; and located at a school, daycare, religious institution, recreation center, senior center, park or water park. Athletic field turf may be located less than 10 feet from a street or interior-facing parking lot if the contiguous turf area is at least 30 feet in all dimensions.

iv. Designated use area

Grass designated for special use at cemeteries and mortuaries.

v. Golf course play area

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Grass in driving ranges, chipping and putting greens, tee boxes, greens, fairways and rough.

vi. Pet relief area

Grass at a property providing commercial and retail services for pets, such as veterinarian and boarding facilities. The area must not exceed 200 square feet.

vii. Playground turf

Grass in designated play areas with playground amenities, including but not limited to slides, swings and climbing structures on homeowner association owned/managed property or at a public park, water park, school, daycare, recreation center, senior center or religious institution. Playground turf may be located less than 10 feet from a street if fenced.

viii. Resident area turf

Grass up to 150 square feet per dwelling unit at multi-family residential properties, multi-family mixed use properties, or assisted living and rehabilitation centers used by tenants for recreation or leisure. May not be located in parking lots, streetscapes or other non-accessible areas.[32]

171. Given this legislative/executive/judicial ambiguity, Defendant has created rules that far surpass its authority, harm Las Vegas Valley residents, and defy the logical interpretation of "useless" turf to unlawfully demand the removal of "useful" residential grass in violation of its enabling statutes and the express legislative intent of AB 356 and AB 220—to protect functional turf and turf located at single-family residences.

F. SNWA's Unlawful Adoption and Evolution of Turf Definitions

172. Under AB 356, the definitions were delegated to SNWA's Board for promulgation through member agency service rules, and implementation has proceeded through service rules and published guidance applying an activity-based framework derived from the NTRAC recommendations. *See* A.B. 356 § 39; LVVWD Service Rules (Definitions of "Functional Turf" and "Non-Functional Turf," referencing SNWA guidance for the operative definition); SNWA, *Nonfunctional Turf Removal* guidance.

[32] Available at https://www.snwa.com/conservation/understand-laws-ordinances/index.html, last visited December 30, 2025.

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173. Although SNWA member agencies like LVVWD attempt to enforce turf removal requirements through its Service Rules, the substance of turf classification is not contained in those rules, but instead only incorporated by reference to SNWA website materials that may be (and have been) modified without legislative or regulatory process.

174. **As a result, the operative standards SNWA claims are binding law are not – they are not fixed by statute, regulation, or formally adopted rule, but instead exist as changeable website content that may be (and has been) revised at any time *without* notice, public participation, or legislative or regulatory approval.**

175. This progression from undefined and vague statutory terms to advisory recommendations, to service-rule and guidance-based implementation has allowed SNWA to systematically dismantle the very protections it promised to the Legislature and to the residents of the Las Vegas Valley.

176. The administratively applied criteria have narrowed the scope of "functional turf" in ways that ignore the Legislature's intent (and SNWA's assurances) that AB 356 and AB 220 would protect residential areas and quality of life green spaces, while completely excluding tree preservation considerations from both the definition and waiver framework. *See* A.B. 356 § 39; Recommendations Report at 8–10 (Nov. 2021). Despite legislative assurances that "common areas in these communities are considered functional turf" and that "green spaces in multifamily developments are not being addressed," *Minutes, S. Comm. on Nat. Res., 81st Leg., Reg. Sess*. at 10 (Nev. May 11, 2021). SNWA now treats these exact areas as "nonfunctional" and mandates their removal.

177. SNWA enforces turf removal requirements against parks, common areas, and residential yards, the precise residential green spaces and common areas that both SNWA and the Legislature repeatedly promised would be protected. This *ultra vires* enforcement contradicts the legislative record, exceeds SNWA's delegated authority, and destroys the quality of life and recreational amenities the Legislature explicitly intended to preserve.

178. It must be stopped or trees will die, properties will be ravaged, and residents will continue to be abused by governmental overreach without due process.

G. PLAINTIFFS CONTINUE TO FACE IRREPARABLE HARM

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179. Even though AB 356 expressly protects residential turf or any turf that serves a function (e.g., recreational purposes, protecting and preserving the Las Vegas Valley's valuable tree canopy), Plaintiffs have seen hundreds of trees die in their neighborhoods after "mandatory" turf removal.

180. Each of the Plaintiffs have trees on or near their real property that have been left to die or are marked for mandatory removal,

181. Snyder is facing threats from SNWA and her HOA due to the law's ambiguity and SNWA's unconstitutional actions – ultra vires action and abuse of power with threatened fines and suspension of service.

182. Nill's trees and acres of land are withering.

183. The Edingtons have neighborhood trees that will be left to die as soon as mid-January 2026.

184. If the turf conversion occurs, which SNWA has purported to mandate under AB 356, each of their Plaintiffs expect their trees to die.

185. These trees, once lost, cannot be replaced.[33]

186. Many of the trees being lost throughout the Las Vegas Valley are 30 to 50 years old, and SNWA does not care or even consider this in its functional/nonfunctional review process. As such, Plaintiffs, their HOAs, and all other Las Vegas Valley residents have no other way to challenge SNWA's unlawful, misguided crusade.

187. This means that people living now may die before seeing the Las Vegas Valley recover from the damage caused by Defendant's unlawful policies and practices.

188. SNWA's unlawful campaign to destroy the Valley trees has already increased temperature and electricity costs across the Valley and is harming Las Vegas Valley residents.

189. The loss of trees, tree cover, and the Las Vegas Valley's green canopy is destroying property values, depriving residents of use of their property, grass, parks, and

[33] States with drier climates like Arizona (Ariz. Rev. Stat. Ann. § 45-563.03 (2025) and California (*see* Cal. Water Code § 10608.14(b) (2025)) understand the importance of grass in protecting and preserving trees and expressly protect grass under trees. This is because without grass cover, roots overheat, attract pests and are lost. If the grass cover had been left in place, it would have kept the roots cool, protected against future pests, and not taken more water.

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playgrounds, and turning the Las Vegas Valley into an astroturf and rock city (like Dr. Seuss's dystopian "Thneedville"), instead of an oasis in a desert.

H. ADMINISTRATIVE REMEDY EXHAUSTION IS FUTILE

190. Administrative remedies do not exist or have proven futile because only enterprises, multi-family or HOAs may appeal, and trees are irrelevant to the appeal or waiver process.

191. Specifically, Plaintiff's counsel wrote a letter regarding these issues to SNWA's general counsel Greg Walch on November 25, 2025 (attached as **Exhibit F**).

192. SNWA has yet to respond.

193. The lack of response is not surprising. The Defendant's rules (and the law) entirely disregard trees altogether, and the devastating impact that their subjective implementation of AB 356 is causing.

194. They have given Plaintiffs no way to be heard on that critical issue.

195. Trees are omitted from and *irrelevant* to the waiver process or analysis.[34]

196. The word tree does not appear in AB 356 itself.

197. The word tree does not appear in AB 220.

198. The word tree does not appear on SNWA website discussing waivers.

199. The word tree does not appear at all in NRS 116.330 where the HOAs (and only HOAs) were implicitly prohibited from installing non-functional turf.

200. In sum, exhaustion of administrative remedies is futile because it is not allowed by AB 356 or SNWA's rules.

201. Thus even if Plaintiff's flagged trees as a concern the Defendant's appeal process does not consider tree loss as an appealable issue.

202. Similarly, as set forth herein and without limiting the same, Plaintiffs lack adequate remedies at law because:

i. Monetary damages alone cannot compensate Las Vegans for the destruction of trees and turf within the Las Vegas Valleys;

[34] The word "tree" only appears once

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ii. Monetary damages cannot restore the loss of the turf and trees nor their value to the general public;

iii. Defendant's ongoing conduct causes continuing irreparable harm to the tune of hundreds of thousands of trees dying; and

iv. Damages are not only monetary because tree value is only partially quantifiable by replacement value and loss of quiet enjoyment, shade, and environmental effect is unquantifiable, and generational.

203. Defendant has caused harm and continues to harm Plaintiffs' property rights, pushing residents and their HOAs to tear up grass mislabeled as "nonfunctional turf" in violation of AB 356 and Nevada law, which is killing trees and removing basic quality of life expectations from neighborhoods and parks, near playgrounds and places where residents regularly recreate, play, and live.

204. Defendant is actively causing irreparable harm by overreaching in their definition of "useless" turf to remove residential grass, leaving thousands of trees for dead.

205. Defendant's ongoing conduct threatens Plaintiffs and the general public's interest in protecting the last 40 years of tree planting and the invaluable green canopy created by the concerted efforts of generations before.

206. Plaintiffs ask for emergency relief because they each have turf on or around their properties that Defendant has marked as "useless" that must be removed between now and December 31, 2026, to comply with Defendant's unlawful application and enforcement of AB 356.

FIRST CAUSE OF ACTION

Declaratory Relief – NRS 30.010, et seq.

Ultra Vires Action – Violation of Modified Dillon's Rule *(codified at NRS 268.001)*

207. Plaintiffs incorporate by reference all preceding paragraphs and allegations as though fully set forth herein.

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208. Section 14 of the Defendant's enabling statute, gives them the authority to "Develop and distribute information promoting education and the conservation of groundwater in the Basin".[35]

209. It does not give them authority to engage in enforcement of policy.

210. But Defendant is not just "promoting education and conservation" residents, they are coercing and shaming them with sensational YouTube Videos like these declaring "useless grass is illegal." And by "useless" grass, SNWA means nonfunctional turf as contemplated by AB 356. To seize this unlawful authority, SNWA has raised its member agency's "service rules" to the status of law and defined nearly all grass valley wide as nonfunctional turf and, thus, illegal under AB 356.

211. And Defendant has created marketing campaigns including one called "Team Lake Mead", paying up to $70,000,000 (or more) to the NHL Vegas Golden Knights, the MLBAAA Las Vegas Aviators,[36] the NFL Las Vegas Raiders[37] and other celebrity endorsements, to shame "bad" users, and make hundreds of YouTube videos to convince the world their AB 356 rules have the color of law (in Spanish and English).[38]

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[35] *See* Southern Nevada Water Authority Enabling Act, Chapter 572 of the Statutes of Nevada 1997 available at *https://www.leg.state.nv.us/SpecialActs/71-SNevadaWaterAuthority.html?utm_.com*

[36] *See* https://www.reviewjournal.com/news/politics-and-government/golden-knights-aviators-join-team-lake-mead-with-new-ad-campaign-3102507/.com last visited December 31, 2025.

[37] *See* https://thenevadaindependent.com/article/snwa-would-pay-30-million-to-raiders-under-proposed-decade-long-advertising-contract-for-water-conservation.com where SNWA offered the Raiders $30,000,000, last visited December 31, 2025.

[38] *See* https://www.youtube.com/watch?v=NzHT_WY5e-U featuring Spanish singer/actor/model Neise Cordeiro.

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212. Defendant has spent and/or committed more than **$70,000,000** in outreach, marketing, and advertisements efforts to convince Clark Count that watering or having non-functional turf is against the law, including the $30,000,000 multi-year contract with the Las Vegas Raiders.

213. This aggressive and expensive marketing campaign goes well beyond their Section 14 authority to "promote education and conservation" in substance, not just scale. SNWA cannot: declare grass "illegal" when no statute criminalizes it; threaten fines and service disconnection without enforcement authority; misrepresent service rules as binding law; or use public funds to coerce rather than educate. SNWA transformed lawful educational marketing into *ultra vires* enforcement.

214. Given this barrage of marketing and media noise, and to avoid fines, and the penalty of Defendant's alleged law, HOAs valley wide have complied with Defendant's interpretation and implemented "Mandatory Turf Removal."

215. This mission drift and *ultra vires* action stems in part from vague statutory language and inappropriate comingling of authority and funds between the Defendant and Defendant's agency members appears to exist as pled in Cause of Actions below.

216. As a statutory creature, Defendant is constrained by the limits on its powers and may exercise only those powers the Legislature expressly authorized per the "modified Dillon's Rule," codified at NRS 268.001.

217. Under the modified Dillon's Rule, local government entities possess only

i. powers expressly granted by statute,

ii. powers necessarily implied from an express grant, or

iii. powers indispensable to their declared objectives.

See Ronnow v. Las Vegas, 57 Nev. 332, 343, 65 P.2d 133, 136 (1937).

218. Any doubt as to the existence of a power is resolved *against* the local government entity and the exercise of authority. *See id.* ("Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied." Explicitly, "all acts beyond the scope of the powers granted are void.").

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219. Any action by a local government entity beyond its authorized scope is *ultra vires* and per se unlawful. Nevada courts invalidate actions taken without statutory authorization.

220. Defendant has engaged in numerous unlawful *ultra vires* actions by claiming powers that neither their enabling statutes, or AB 356 and AB 220 provide, including but not limited to the following actions:

i. **Mandating** the removal of turf throughout the Las Vegas Valley that serves the critical function of protecting and ensuring the survival of existing trees, including turf located on Plaintiffs' single-family residential property or on common area property within Plaintiffs' HOAs that Plaintiffs pay to maintain for their use and enjoyment;

ii. **Ruling** on ownership rights (or the lack thereof) for valuable landscaping and large trees located on Plaintiffs' single-family residential properties to mandate the removal of turf surrounding and protecting those trees; and

iii. **Policing** the Valley, threatening Valley residents, and/or otherwise attempting to enforce Defendant's unlawful interpretation of AB 356 and/or AB 220 without any express grant of authority to do so.

221. SNWA's enabling cooperative agreement under NRS 277.080–277.180 limits its authority to cooperative water management, resource acquisition, and education on groundwater conservation. It grants no police, enforcement, or punitive powers over land use or private property. AB 356 §39 and AB 220 §31 reinforce this: SNWA must "define" turf terms and "develop a plan to identify and facilitate" removal—not enforce, fine, or mandate it. Legislative history confirms voluntary intent rather than mandatory enforcement.

222. Yet SNWA exceeds this limited authority by: (1) Sending coercive letters demanding removal of turf by the end of 2026 (aforementioned in ¶69); (2) Marketing its interpretations as binding law through aggressive, high-cost campaigns that shame and pressure residents into compliance (aforementioned in ¶¶107–111, including the "Team Lake Mead" initiative and celebrity endorsements); (3) Patrolling neighborhoods in marked enforcement vehicles issuing warnings (¶74); and (4) Denying waivers without any hearing or meaningful consideration of tree survival or functional use, even for areas clearly serving recreational purposes

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223. LVVWD was formed to secure and distribute water to the Las Vegas Valley and manage water resources for the community's benefit and to construct waterworks, purchase water rights, and supply water to customers within its service area. See WD Act § 1 and § 1.1. While it is empowered to encourage conservation, it was not formed to monitor landscapes, or police residents.

224. Similarly, SNWA oversees the LVVWD, and per Section 13 of the WA Act can collect an annual fee assessed on users of groundwater in the basin. But funds collected under Section 13 must have limited use.

225. While SNWA has the authority to educate consumers on conservation (per Section 14), it does *not* have authority to "punish" or "police" residents' use.

226. Neither the WD Act nor the WA Act authorize SNWA (or its member agencies like LVVWD) to force the removal of residential use of "non-functional turf."

227. Neither AB 356 (or AB 220) authorize Defendant to force or penalize the failure to remove "nonfunctional turf" anywhere, let alone turf used by single-family residences. Instead, AB 356 and AB 220 simply authorize Defendant to develop a plan to identify and facilitate the removal of existing nonfunctional turf on property not used exclusively for single-family residences.

228. They cannot force residents, even via a resident's HOA, to convert and accept an SNWA rebate.

229. Nothing in the WD Act, the WA Act, AB 356, or AB 220 authorizes SNWA to kill trees in the process of defining, identifying, or facilitating the removal of nonfunctional turf.

230. Neither Act authorizes the use of public funds to remove private landscaping. Nor does AB 356 which instead prohibits removal of single-family residential turf.

231. Nothing in the WD Act or the WA Act expressly authorizes LVVWD or SNWA to oversee landscaping, turf, grass, or trees.

232. AB 356 only requires Defendant to make a plan and prevent use of Colorado River water on non-functional turf (except for residential use).

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233. Nothing in the WD Act or the WA Act expressly or impliedly authorizes LVVWD or SNWA to use their money to shame residents into removing landscaping. Nor does AB 356 because it expressly excludes single family residents.

234. If a power is not clearly granted in the statute, Defendant does not have it.

235. Therefore, Defendant does not have authority over trees.

236. Even so, Defendant is killing thousands of trees.

237. Defendant's *ultra vires* actions directly harm Plaintiffs. Plaintiff Snyder has been told the grass on her single-family residential property is "nonfunctional" and subject to mandatory removal despite AB 356's residential protections, solely because SNWA claims authority to override property boundaries. Plaintiffs Edington's HOA waiver application for playground grass and neighborhood trees was denied without hearing, pursuant to SNWA's ultra vires claim of final adjudicatory authority. Plaintiff Nill's HOA was coerced into stopping watering of community grass and trees through SNWA's *ultra vires* enforcement threats, resulting in dead and dying trees throughout his neighborhood. These injuries stem directly from SNWA's assumption of powers not granted by statute: the power to mandate removal rather than facilitate it, the power to police and penalize non-compliance, and the power to override residential protections through expansive definitions of "nonfunctional" turf.

238. Nevada courts consistently strike down *ultra vires* actions by overreaching local government entities.

239. The Nevada Supreme Court has held that a local government entity's powers "cannot be assumed by the agency, nor can they be created by the courts" and that a grant of authority "must be clear." *See Clark Cty. Sch. Dist. v. Clark Cty. Classroom Teachers Ass'n*, 115 Nev. 98, 102, 977 P.2d 1008, 1010 (1999).

240. Under Nevada's modified Dillon's Rule, any overreach into ungranted powers is unlawful. Such overreach undermines the constitutional separation of powers between the State, which makes laws, and local entities, which execute them. *See* Nev. Const. Art. I, §§ 1, 2, 8, and 22. *See also* Nev. Const. Art. III. *See* also *Sheriff, Clark Cty. v. Luqman*, 101 Nev. 149, 153–54, 697 P.2d 107, 110–11 (1985).

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SECOND CAUSE OF ACTION
AB 356/AB 220 Are Unconstitutionally Vague and Therefore Void

241. Plaintiffs incorporate by reference all preceding paragraphs and allegations as though fully set forth herein.

242. AB 356 and AB 220 effect an unconstitutionally vague delegation of legislative power because the Legislature failed to define the core regulated term: "nonfunctional turf."

243. Other than a limitation that the law does not apply to single-family residents, the statutes provide no reference to residential procedural rights, or their ability to appeal decisions by Defendant that harm residents – like the death of more than 100,000 trees – and improperly gives unlimited latitude to the Defendant to remove "functional turf" mis-labeled as "useless". *See Dunphy v. Sheehan*, 92 Nev. 259, 264, 542 P.2d 332, 335 (1976) (holding that, where provisions are vague, deceptive, or uncertain, they are unconstitutional).

244. AB 356 and AB 220 do not define "functional" and "nonfunctional turf" while simultaneously mandating its complete removal by December 31, 2026.

245. Similarly, AB 220 fails to define "use as a single-family residence" suggesting the protections for grass "used" for a single-family residence, even if not zoned as such, would be protected from removal.

246. The Legislature improperly left the definition of the terms "functional" and "nonfunctional turf" and single-family residence "use" to SNWA.

247. Rather than these definitions being fixed in the Nevada Revised Statutes or Nevada Administrative Code, they are simply referenced in SNWA's service rules without any legislative oversight or involvement in the creation or implementation of those rules.

248. The unconstitutional vagueness of AB 356 and AB 220 with respect to these terms create inherently subjective meanings, and are one reason why Defendant and its members interchangeably refer to "non-functional turf" as "useless" or "decorative." *See City of Las Vegas v. Eighth Judicial Dist. Court*, 118 Nev. 859, 865-66, 59 P.3d 477, 482 (2002) (holding that where a definition used in a statute, in this case the word "annoying," requires citizens to guess at its meaning, the statute is void for vagueness). This vagueness invites

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arbitrary enforcement, as SNWA interchangeably uses "nonfunctional," "useless," or "decorative" without fixed criteria, ignoring functions like tree protection.

249. Similarly, failing to define what "single family residential use" despite zoning means, is inherently confusing. Does that mean that if an apartment building or park area is used as a single-family residence, they are protected from SNWA analyzing whether the grass is functional or non-functional?

250. Rather than supplying statutory definitions or intelligible standards to these terms, the Legislature improperly left these determinations *entirely* to SNWA.

251. A statute is unconstitutionally vague when it fails to give a person of ordinary intelligence fair notice of what is prohibited or encourages arbitrary and discriminatory enforcement. See *Dunphy*, 92 Nev. at 264, 542 P.2d at 335 (holding that, where provisions are vague, deceptive, or uncertain, they are unconstitutional).

252. Here, the law is void for vagueness because property owners are left guessing how the law is applied and cannot discern from the statute language itself what turf is lawful to water, what grass must be removed, or how those determinations are made.

253. Similarly, the lack of a statutory definition for "functional" or "nonfunctional" turf or "use" prevents any court from interpreting the scope or application of AB 356 or AB 220. The absence of any statutory definition or objective criteria renders compliance unknowable without resort to SNWA's later-created rules, which are not static but mutable, unpublished in statute, and inconsistently applied.

254. By authorizing SNWA to define "functional" versus "nonfunctional" turf, to determine exemptions, to promulgate service-rule definitions binding across multiple jurisdictions, and to revise those definitions over time, the Legislature abdicated its non-delegable duty to make fundamental policy decisions. *See also Luqman*, 101 Nev. at 153-54, 697 P.2d at 110-11 (noting the Legislature must meet sufficient legislative standards to prevent agencies from acting capriciously or arbitrarily).

255. Because AB 356 and AB 220 are unconstitutionally vague and fail to define "nonfunctional turf" with sufficient specificity to give fair notice of what conduct is prohibited, the statutes improperly leave that threshold determination entirely to Defendant. See *City of Las Vegas v. Eighth Judicial Dist. Court*, 118 Nev. at 861 & 865, 59 P.3d at 479

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& 481 (finding that an ordinance/legislature is unconstitutionally vague if it requires "people of common intelligence" to guess at its meaning or subjects the exercise of a right to an "unascertainable standard").

256. As a result, Plaintiffs cannot determine from the plain statutory text whether existing landscaped areas are lawful to water, subject to removal, or eligible for exemption.

257. The definition is so subjective that even functional turf has been deemed nonfunctional by SNWA.

258. Such vagueness is what is fueling the changing definitions and as such, the law should be deemed void.

THIRD CAUSE OF ACTION
AB 356/AB 220 Are Unconstitutional for Lack of Due Process

259. Plaintiffs incorporate by reference all preceding paragraphs and allegations as though fully set forth herein.

260. The Nevada Constitution protects residents from deprivation of life, property, or value without due process.

261. AB 356 violates the due process rights and protections for life, liberty and property afforded in Article 1, Section 1, 2, 8 and 22 of the Nevada Constitution.

262. Article 1, Sections 1 and 2 of the Nevada Constitution impose substantive limits on the Nevada's exercise of police power and prohibit arbitrary or irrational governmental interference with private property.

263. Nevada law has long recognized that constitutional provisions prohibiting governmental conduct are self-executing and judicially enforceable. *Wren v. Dixon*, 40 Nev. 170, 190–91, 161 P. 722, 729 (1916). Where such prohibitory provisions protect substantive constitutional rights, their self-executing nature may give rise to a private cause of action regardless of whether the Legislature has provided an express statutory remedy. *Alper v. Clark County*, 93 Nev. 569, 571–72, 571 P.2d 810, 812 (1977). The Nevada Supreme Court has not limited or repudiated this long-standing doctrine, and courts applying Nevada law have treated claims seeking private enforcement of constitutional prohibitions as cognizable under existing precedent. *Mack v. Williams*, 2020 U.S. Dist. LEXIS 125901, at *3–4 (D. Nev. July 17, 2020).

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264. Read in harmony with Article I Section 2, this right reflects a foundational constitutional limitation on the State's police powers and informs the interpretation and application of all governmental action affecting individual rights and property.

265. AB 356, on its face and as applied, undermines the constitutional purpose of government by harming its residents, imposing severe, uncompensated, and irreversible burdens on discrete property owners while producing no commensurate benefit to public safety, security, or welfare.

266. Rather than protecting the people and their rights, AB 356 authorizes actions that increase heat exposure, reduce environmental protections, diminish property value, and shift the costs of statewide water policy onto a narrow class of citizens.

267. AB 356 substantially impairs Plaintiffs' inalienable rights and flouts the express purpose of government by mandating and coercively compelling (on threat of loss of water), the destruction of valuable private property improvements, including mature trees and landscaping that provide shade, environmental protection, energy efficiency, and economic value.

268. The compelled destruction of these improvements and properties interferes with Plaintiffs' ability to possess and protect property and to pursue safety and happiness, including protection from extreme heat, increased cooling costs, degraded air quality, and diminished habitability and enjoyment of their properties.

269. Likewise, Article 1, Section 8 of the Nevada constitution guarantees "No person shall be deprived of life, liberty, or property, without due process of law" and assures citizens that "[p]rivate property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made."

270. Article 1, Section 22, provides for the minimum protections government must afford to take life, liberty or personal property. Specifically, Article 1, Section 22 of the Nevada Constitution provides **strict, owner-protective limitations** on any governmental action that takes or damages private property for public use. These protections apply broadly to **any taking or damaging of property**, whether accomplished through formal condemnation or through indirect or regulatory means.

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271. AB 356 does not respect these rights.

272. If SNWA does have the authority to exercise punitive power, they must do so subject to procedural safeguards and constitutional norms.

273. Failing to provide notice and an opportunity to be heard is a violation of due process, guaranteed by the Nevada Constitution.

274. This is especially true when government action deprives individuals of life, liberty, or property, as is occurring here where water and personal property are being deprived and destroyed as Defendant and its member agencies continue to remove "useless" grass and leave thousands of trees for dead. See *Memphis Light, Gas & Water Div. v. Craft*, 436 U.S. 1, 11–12 (1978).

275. Defendant has also appointed itself enforcers of AB 356. In that self-appointed role, Defendant has threatened to impose fines and turn off residents' water if Las Vegas Valley residents fail to comply with what Defendant claims to be the "law."

276. Defendant's conduct has deprived and continues to deprive Plaintiffs (and all Las Vegas Valley residents) procedural safeguards and rights due to SNWA's arbitrary enforcement lacking legislative standards. *See Luqman*, 101 Nev. At 153-54, 697 P.2d at 110-11 (noting the Legislature must meet "sufficient legislative standards" or rather standards that are "sufficient to guide the agency with respect to the purpose of the law and the power authorized" to prevent agencies from acting "capriciously nor arbitrarily").

277. Therefore, Plaintiffs are entitled to declaratory relief that AB 356 and AB 220 are unconstitutional to the extent described above, and permanent injunctive relief prohibiting Defendant from implementing or enforcing AB 356 in a manner that takes or damages private property without first satisfying the requirements of Article 1, Section 22, including a public-use adjudication and payment of just compensation.

278. Defendant has failed to provide any substantive or procedural due process to residents to avoid this harm – even if the turf is around single residence homes, in their parks or around their neighborhoods.

279. When SNWA elevated their "service rules" to the status of law they ignored the legislative intent to protect residents and the constitutional due process protections afforded to all Nevadans. Nevada courts have made clear, however, that administrative

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agencies possess only those powers expressly or necessarily implied by statute, and that courts must carefully police the boundaries of agency authority to ensure that legislative grants of power are not exceeded. See *Clark County School Dist. v. Clark County Classroom Teachers Ass'n*, 115 Nev. at 102-103, 977 P.2d at 1010-11 (finding that courts must carefully police the boundaries of agency authority to ensure that legislative intent is not exceeded).

280. If AB 356 and AB 220 were intended to affect residential property, like the front yard property owned by Plaintiffs the laws must provide any mechanism whereby property owners may challenge a decision on what constitutes the undefined terms single-family residential "use", "functional" turf or "nonfunctional" turf.

281. But SNWA limited the appeal/waiver process to "enterprises" like HOAs and did not even consider giving individuals a right to appeal a non-functional/useless turf designation.

282. Without the necessary constitutional safeguards of due process, affording residents a path to contest, appeal or challenge "useless" grass designations, the rule has become a brazen abuse of power - loose, changeable, and subjective to SNWA's whim.

283. AB 356 and AB 220 are particularly dangerous because they do not authorize enforcement, and require no due process consideration of (or compensation for) foreseeable collateral harm, including damage to mature trees, soil stability, and microclimate conditions on Plaintiff's property – and pests. See *Silvar v. Eighth Judicial Dist. Court*, 122 Nev. 289, 293, 129 P.3d 682, 685 (2006) (analyzing the two-prong test of the void-for-vagueness doctrine and finding that the second prong, specific standards for enforcement, is arguably more important than the first as these standards prevent the pursuit of sweeping enforcement based upon personal predilections).

284. As such, SNWA claims the right to destructive outcomes without legislative guidance, procedural safeguards, or mitigation requirements. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (finding that effective due process generally requires courts to consider three distinct factors: (1) the private interest affected by the action, (2) the risk of erroneous deprivation from the procedures used and the burden of adding or substituting procedural safeguards, and (3) the government's interest).

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285. Here, the laws are unconstitutional and violate substantive and procedural due process because the private interest of property rights, value, and positive effects of grass are at great risk of being erroneously deprived because there is no due process for residents.

286. The risk of erroneous deprivation of rights has occurred and remains high because SNWA acts as if AB 356 concentrates legislative, executive, and quasi-judicial functions in SNWA, denying Plaintiffs a neutral decision-maker. SNWA defined the critical operative term ("nonfunctional turf"), is deciding how to enforce that definition against Plaintiffs and their respective HOAs through member-agency service rules, and adjudicated Plaintiffs' and their respective HOAs' status through arbitrary waiver and interpretation processes.

287. Defendant's overreach is so extensive that it claims its service rules supersede all other state and local laws that protect Plaintiffs and their respective property and due process rights.

288. Plaintiffs have no access to a legislatively prescribed hearing standard, evidentiary burden, or independent adjudicator before being deprived of valuable property rights.

289. As a result, SNWA is labeling grass "non-functional" without any due process safeguards and removing grass so quickly and aggressively that because SNWA has left for dead more than 100,000 trees and caused more than $300,000,000 in tree damage loss alone.

290. The statutes neither require SNWA to evaluate the impacts of tree removal nor provide standards for balancing conservation objectives against property damage. Remarkably, they do not even use the word "tree". Yet Plaintiffs' grass supports tree root systems, cool and mitigate heat and runoff, and enhance property value, yet SNWA's determination disregards these effects entirely. There is no analysis on the age, nature, or size of a tree and what the loss of that tree will do to the neighborhood or landscape.

291. Property values have been diminished, cooling costs are being increased, and quality of life has been deprived without any vehicle for residential appeal.

292. Therefore, AB 356 and AB 220 – to the extent they do apply to residential properties, are unconstitutionally depriving individuals of life, liberty, and property, without

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the protections guaranteed by Nevada law and the Nevada Constitution. As such, the law is unconstitutional.

293. Therefore, because they lack due process, AB 356 and AB 220 are not a constitutional exercise of the State's police power as applied to Plaintiffs.

FOURTH CAUSE OF ACTION
AB 356/AB 220 Are Unconstitutional as Applied By SNWA

294. Plaintiffs incorporate by reference all preceding paragraphs and allegations as though fully set forth herein.

295. Unlike an ultra-vires claim that challenges an agency exceeding their enabling statutory authority under the modified Dillon's rule, an unconstitutional as applied challenge, contests the specific enforcement actions and application of an agency's interpretation of a law.

296. Nevada courts will not defer to an agency's interpretation of a statute when that interpretation conflicts with the statute's plain meaning, ignores legislative intent, or is unreasonable. *Nevada Power Co. v. Eighth Judicial Dist. Ct.*, 120 Nev. 948, 959-61, 102 P.3d 578, 584-87 (2004).

297. Defendant has applied AB 356 and AB 220 to impose valley-wide regulatory mandates while evading the procedural safeguards that ordinarily accompany ordinance-making, including public notice, deliberation, and democratic accountability.

298. The result is governance by reference to an external authority whose rules are neither fixed nor legislatively ratified – precisely the type of unchecked delegation courts have repeatedly condemned. See *Luqman*, 101 Nev. at 153-54, 697 P.2d at 110-11 (Utilizing the "suitable standards" test that determines if authority is delegable from the Legislature and finding that, so long as the statute communicates intelligible principles and standards to guide the authority, only then is it appropriate).

299. During legislative consideration of AB 356 and AB 220, SNWA representatives and legislators repeatedly promised that the statutes would protect residential areas, recreational green spaces, and community amenities.

300. Despite these legislative promises, SNWA now enforces AB 356 and AB 220 to mandate removal of turf on single-family residential property, in parks and recreational

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areas used by residents, in HOA common areas maintained for residents' use, and protecting mature trees.

301. Defendant has ignored the Nevada Legislature's directive to protect residential turf and has deemed grass on Plaintiffs' personal real properties as "useless" – regardless of zoning. *See Nevada Power Co. v. Eighth Judicial Dist. Ct.*, 120 Nev. at 959-61, 102 P.3d at 584-87 (finding that a court will not defer to an agency's interpretation of a statute if the interpretation ignores, and conflicts with the statute's plain meaning or is unreasonable because *courts owe no deference to an agency's interpretation of a statute where the statute is unambiguous or the agency's interpretation conflicts with the statute's plain meaning or is unreasonable*).

302. This application is arbitrary because identical turf receives different treatment depending on SNWA's subjective determinations, deeming functional turf serving recreational and environmental purposes as "nonfunctional" despite the Legislature's intent to protect such spaces.

303. Defendant has mandated the removal of turf around more than 100,000 trees and leaving them for dead by removing "nonfunctional turf" even though the grass clearly serves a function – it protects the temperature, watering and health of tree roots.

304. Therefore, AB 356 and AB 220, as applied by SNWA, are unconstitutional because SNWA's enforcement contradicts the Legislature's express intent, ignores the statute's residential protections, destroys functional green spaces the Legislature intended to preserve, and results in arbitrary deprivation of protected property interests.

FIFTH CAUSE OF ACTION
AB 356/AB 220 Are an Unconstitutional Delegation of Power

305. Plaintiffs incorporate by reference all preceding paragraphs and allegations as though fully set forth herein, by deferring to Defendant's lobbying efforts and not supplying a statutory definition or intelligible standard, the Legislature delegated the threshold determination of what conduct is regulated entirely to the Southern Nevada Water Authority ("SNWA"), an unelected regional authority.

306. The statutes thus do not merely authorize SNWA to administer a legislative policy; they empower SNWA to decide, in the first instance, what the law prohibits.

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307. A statute is improperly delegative when it fails to give a person of ordinary intelligence fair notice of what is prohibited or invites arbitrary and discriminatory enforcement. See *Luqman*, 101 Nev. at 155, 697 P.2d at 111 (holding that due process requires statutes to "afford a person of ordinary intelligence the opportunity to know what is prohibited" and to provide "explicit standards of application" sufficient to avoid arbitrary and discriminatory enforcement, and explaining that legislative delegations are constitutional only where the Legislature supplies "suitable standards" to guide agency discretion).

308. Here, property owners cannot ascertain from the statutory text what turf may be irrigated, what turf must be removed, or how those determinations are made. *Cf. id.* at 154–55, 697 P.2d at 111 (explaining that sufficient legislative standards are required to ensure that an agency "will neither act capriciously nor arbitrarily"). Compliance is possible only by reference to SNWA's later-created rules and interpretations, which are mutable, uncodified, and inconsistently applied. Such a statutory scheme improperly transfers core policy judgments from the Legislature to an executive agency without constitutionally adequate guidance. See *Comm'n on Ethics v. Hardy*, 125 Nev. 285, 291–93, 212 P.3d 1098, 1103–04 (2009) (holding that where the Nevada Constitution commits a function to a particular branch, any delegation of that authority to another branch is impermissible, and reaffirming that constitutionally based structural protections, including separation of powers, cannot be waived or cured by statutory enactment).

309. This structure cedes core legislative policy choices to SNWA without meaningful (or constitutionally required) constraints. By authorizing SNWA to define "functional" versus "nonfunctional" turf, determine exemptions, promulgate service-rule definitions binding across multiple jurisdictions, and revise those definitions over time, the Legislature abdicated its non-delegable duty to make fundamental policy decisions. Other than a general statutory objective—which in the case of Plaintiffs and others Defendant and its members routinely exceed—no intelligible principle cabins SNWA's discretion, and the statutes provide no limiting standards tied to health, safety, water yield, proportionality, or environmental tradeoffs. See *Luqman*, 101 Nev. at 154, 697 P.2d at 111 (determining that statutes must contain sufficient legislative standards to be constitutional).

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310. AB 356 and AB 220 are unconstitutional for the additional reason that the delegation fails to require Defendant to consider or mitigate foreseeable collateral harms, including tree loss, heat-island effects, erosion, and long-term water inefficiencies caused by mandatory turf removal. Although Defendant acknowledges that turf removal can imperil mature tree canopies and established landscapes, the statutes impose no obligation to balance conservation goals against known secondary damage. A delegation that authorizes sweeping regulatory mandates while omitting any requirement to account for material harms invites arbitrary governance and violates due-process norms.

311. For these reasons, AB 356 and AB 220 are an unconstitutional delegation of power to SNWA.

PRAYER FOR RELIEF

Given the unconstitutional nature of AB 356 and AB 220 in their vagueness, failure to provide due process protections, facially and as applied, all of which are highlighted by the 100,000 trees that have died, and more than $300,000,000 in property damage sustained in the Las Vegas Valley, Plaintiffs pray for judgment as follows:

1. **Declaratory Relief as to Statutory Authority and Ultra Vires Conduct (First Cause of Action).** A declaration that Defendant Southern Nevada Water Authority has acted ultra vires, in violation of its enabling statutes and Nevada's modified Dillon's Rule (NRS 268.001), by interpreting, enforcing, policing, or otherwise implementing AB 356 and AB 220 in a manner not expressly or impliedly authorized by the Nevada Legislature.

2. **Declaratory Relief – Void for Vagueness (Second Cause of Action)** A declaration that AB 356 and AB 220 are unconstitutionally vague, facially and/or as applied, because they fail to define "functional turf," "nonfunctional turf," or "use as a single-family residence," and thereby deny fair notice and invite arbitrary and discriminatory enforcement in violation of the Nevada Constitution.

3. **Declaratory Relief – Lack of Due Process (Third Cause of Action)** A declaration that AB 356 and AB 220, as applied by Defendant, violate substantive and procedural due process under Article I, Sections 1, 2, 8, and 22 of the Nevada Constitution, and for injunctive relief prohibiting Defendant from implementing or

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enforcing these statutes without constitutionally adequate notice, standards, and an opportunity to be heard.

4. **Declaratory Relief – Unconstitutional as Applied (Fourth Cause of Action)** A declaration that Defendant's interpretation and application of AB 356 and AB 220—particularly to residential properties, common areas, and turf serving functional and environmental purposes—are unconstitutional as applied because they conflict with legislative intent, exceed statutory authority, and result in arbitrary deprivation of protected property interests.

5. **Declaratory Relief – Unconstitutional Delegation of Legislative Power (Fifth Cause of Action)** For a declaration that AB 356 and AB 220 constitute an unconstitutional delegation of legislative power by vesting Defendant with unfettered discretion to define the scope of regulated conduct, determine exemptions, and impose binding rules without intelligible standards or legislative safeguards.

6. **Injunctive Relief.** For permanent injunctive relief enjoining Defendant from enforcing, implementing, or coercively applying AB 356 or AB 220 in any manner inconsistent with Nevada law, legislative intent, or constitutional protections.

7. **Attorneys' Fees and Costs.** For an award of reasonable attorneys' fees and costs of suit as authorized by statute, contract, or other applicable law.

8. **Such Other and Further Relief.** For such other and further relief as the Court deems just and proper.

DATED this 12th day of January 2026.

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/s/ Samuel D. Castor
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EXHIBIT A

EXHIBIT A

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 of 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; 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

Norm Schilling

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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

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November 25, 2025

Via Email:

Gregory J. Walch
Las Vegas Valley Water District
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
SC:ag