

LEO DROZDOFF  
*Director*

BRIAN SANDOVAL  
*Governor*

State Land Office  
State Land Use Planning Agency  
Nevada Tahoe Resource Team  
Conservation Bond Program -Q1

Department of Conservation  
And Natural Resources

Charles Donohue  
*Administrator*



*Address Reply to*

Division of State Lands  
901 S. Stewart St. Suite 5003  
Carson City, Nevada 89701  
Phone (775) 684-2720  
Fax (775) 684-2721  
Web [www.lands.nv.gov](http://www.lands.nv.gov)

STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Division of State Lands

December 17, 2015

MIDKIFF & ASSOCIATES  
NICK EXLINE  
PO BOX 12427  
ZEPHYR COVE, NV 89448

RE: MARLA BAY BUOY AMENDED PERMIT# 3797  
APN: 1318-09-810-113, Zephyr Cove, Lake Tahoe

Dear Mr. Exline;

Enclosed herewith, please find amended permit number 3797, for the SIXTY (60) single residential-use buoys, ELEVEN (11) of those buoys have been relocated to deeper water, located in Lake Tahoe below elevation 6223.0 feet as permitted to Marla Bay Protective Association. These structures are located at 0 Lakeshore Blvd, Zephyr Cove, Douglas County, Nevada.

Permit number 3797, which is valid for 10 years, with an expiration date of June 30, 2024. However, an annual fee of \$1800.00, and will be assessed and due on or before June 30th, each and every year beginning June 30, 2016.

In addition, Insurance coverage must remain in effect for the life of the permit. Please have your Insurance agent forward us a current copy. If the insurance coverage is allowed to expire, that will terminate the conditions of this permit and permittees will be required to remove the structure(s) from Lake Tahoe.

Please be aware that there have been updates to our application and review process that will affect you the next time. You can review the application and instructions on our website – [www.lands.nv.gov](http://www.lands.nv.gov) .

If you have any questions or require additional information, please do not hesitate to contact me at (775) 684-2730.

Sincerely,

A handwritten signature in blue ink that reads "D Rothermel".

Donna Rothermel  
Administrative Assistant III



**STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF STATE LANDS**

901 S. Stewart St., Ste. 5003  
Carson City, Nevada 89701-5246

THE STATE OF NEVADA, acting through the Division of State Lands pursuant to NRS 321.595, NRS 322.100, and NRS 445A does hereby grant a permit to:

Permit Number: 3797

Name: Marla Bay Protective Association

Mailing Address: PO Box 543

Zephyr Cove, NV 89448

Parcel Number: 1318-09-810-113

1. The physical address in which this facility is to be located is: 0 Lake Shore Boulevard, Zephyr Cove, NV

County: Douglas Waterway: Lake Tahoe

SEC: 9 TWP: 13 NORTH RGE: 18 EAST

2. Permittee is authorized: **to anchor SIXTY (60) single, residential-use mooring buoys with FIFTY (50) mooring buoy floats to the bed of Lake Tahoe below elevation 6223.0 feet, subject to the attached conditions and approved site plan.**

3. Proof of financial responsibility in amount of: \$6,000,000.00

has been established in the following manner:

POLICY NUMBER: 98-CU-8427-4

4. Conditions for permit approval: SEE ATTACHED CONDITIONS

5. NOTICE: A permit given by the Division of State Lands does not give any property rights in real estate or material nor does it obviate the necessity of obtaining federal, local or regional assent to the work authorized.

6. NOTICE: A permit given by the Division of State Lands does not relieve the Permittee from the acquisition of all local, regional, state and federal permits and approvals as required by law.

7. NOTICE: The public shall not be denied reasonable access to or the use of any State Lands.

PERMIT TERM: (10) YEARS

Beginning: Tuesday, July 1, 2014

Ending: Sunday, June 30, 2024 unless sooner terminated as provided.

ANNUAL FEE RATE \$1,800.00

Given under the hand of the Administrator of the Division of State Lands

This 17<sup>th</sup> day of DECEMBER, Year 2015

**DAVID MARLOW**  
Deputy Administrator  
for Charles Donohue, Administrator Division of State Lands



**Permit Conditions**

1. The Permittee understands and agrees that this permit shall be governed by, construed and enforced in accordance with the laws of the State of Nevada.
2. The Permittee understands and agrees that in the event any action is filed in relation to this permit, the unsuccessful party shall pay to the successful party, in addition to all sums either party may be called upon to pay, a reasonable sum for the successful party's attorney's fees. Any lawsuit brought to resolve a dispute arising from this permit must be brought either in the county where the permitted structure is located or in Carson City, Nevada.
3. The Permittee understands and agrees that the failure of the State of Nevada, acting through the Division of State Lands, to insist upon strict performance of any of the conditions, covenants and agreements pertaining to this permit or to exercise any option herein conferred in any one or more instance, shall not be construed to be a waiver or relinquishment of any such conditions, covenants and agreements.
4. The Permittee understands and agrees that the State of Nevada, acting through the Division of State Lands, will not waive and intends to assert all available immunities and statutory limitations in all cases, including, without limitation, the provisions of Nevada Revised Statutes Chapter 41.
5. The Permittee understands and agrees that the SIXTY (60) single, residential-use mooring buoy anchors in Lake Tahoe below elevation 6223.0 feet must be located lakeward of Douglas County APN 1318-09-810-113 in an area not closer than TWENTY (20) feet from each adjacent property line extended lakeward at a right angle to the shore according to the attached approved site plan. SIX (6) of the SIXTY (60) buoys in this field are located lakeward of privately owned parcels. The owners of THREE (3) of these parcels have submitted written consent to the Nevada Division of State Lands for these buoys to remain in front of their parcels. According to the Permittee, the other THREE (3) owners are not required to submit their consent as the Permittee claims an interest in their parcels.
6. The Permittee understands and agrees that only FIFTY (50) mooring buoy floats will be attached to the SIXTY (60) mooring buoy anchors at any given time. The extra TEN (10) mooring buoy anchors are in place in order to accommodate boats during low water years. Should it be discovered that SIXTY (60) mooring buoy floats are attached to the SIXTY (60) mooring buoy anchors, this permit will be deemed invalid and the Permittee will be required to remove all of the mooring buoys from Lake Tahoe.
7. Per NAC 445A.048, a mooring buoy must not be placed closer than FIFTY (50) feet from another buoy.
8. Per NRS 488.257, a mooring buoy must be white in color and have a horizontal blue band around the circumference of the buoy which is at least three inches in width and centered midway between the top of the buoy and the water line. A mooring buoy which is placed within an area other than an area designated by the Commission as an anchoring or mooring area must display a quick flashing white light between sunset and sunrise. If a vessel is moored to such a buoy, only the vessel must display between sunset and sunrise a white light clearly visible in all directions.
9. The Permittee understands and agrees that no rocks or other material may be moved or relocated at or around the buoy sites.
10. The Permittee understands and agrees that the SIXTY (60) single, residential-use mooring buoy anchors and FIFTY (50) mooring buoy floats in Lake Tahoe below elevation 6223.0 feet must be maintained in good repair at all times.
11. The Permittee understands and agrees that at no time will the Permittee deny the general public access to the waters of Lake Tahoe in, under, and around the mooring buoys or other structures for fishing or other recreational uses.
12. The Permittee agrees to indemnify, defend, and hold harmless the State of Nevada and its agents from and against any and all liability for personal injuries, property damage, or for loss of life or property resulting from, or in any way connected with the condition or use of the premises covered herein, including any hazard, deficiency, defect or other matter, known or unknown, arising out of or in any way connected with the projects and related activities. This does not exclude the State of Nevada's right to participate in its own defense in any litigation that may arise from this authorized use.
13. The Permittee understands and agrees that the insurance coverage must remain in effect at all times as evidenced by a current and valid Certificate of Insurance and Policy Endorsement naming the State of Nevada, Division of State Lands, its officers, employees and immune contractors as defined in NRS 41.0307 provided to the Division of State Lands. If the insurance coverage expires, the Permittee shall immediately remove the mooring buoys from Lake Tahoe.
14. The Permittee understands and agrees that no other structures are permitted or allowed under this permit.
15. The Permittee understands and agrees that a permit from the Division of State Lands is required prior to

commencement of any future changes, relocation or replacement of the mooring buoys as approved under this permit.

16. The Permittee understands and agrees that the Division of State Lands is required, pursuant to NRS 322.120, to assess an annual permit fee. Should NRS 322.120 be amended or updated such that required fee amounts change, the Division of State Lands reserves the right to re-evaluate, reassess and adjust the permit fee on an annual basis accordingly. The current annual fee associated with this permit for SIXTY (60) single, residential-use buoy anchors in Lake Tahoe below elevation 6223.0 is ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00). Said fee is to be paid on or before JULY 1, 2016, and on or before JULY 1 each and every year thereafter.

17. Permittee understands and agrees this navigable water permit has TEN year term and will expire and become void on 6/30/2024. Should the applicant desire to continue utilizing the structures placed upon state land beyond said expiration date, the applicant shall submit the appropriate application along with the required application fee and all required supporting documentation to State Lands for the consideration of issuing a new permit at least 90 days prior to the expiration date.

18. The Permittee is required to place a numbered and dated permit decal sticker, as supplied by the Division of State Lands, on the permitted buoys.

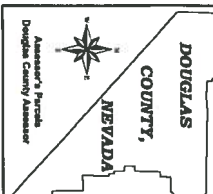
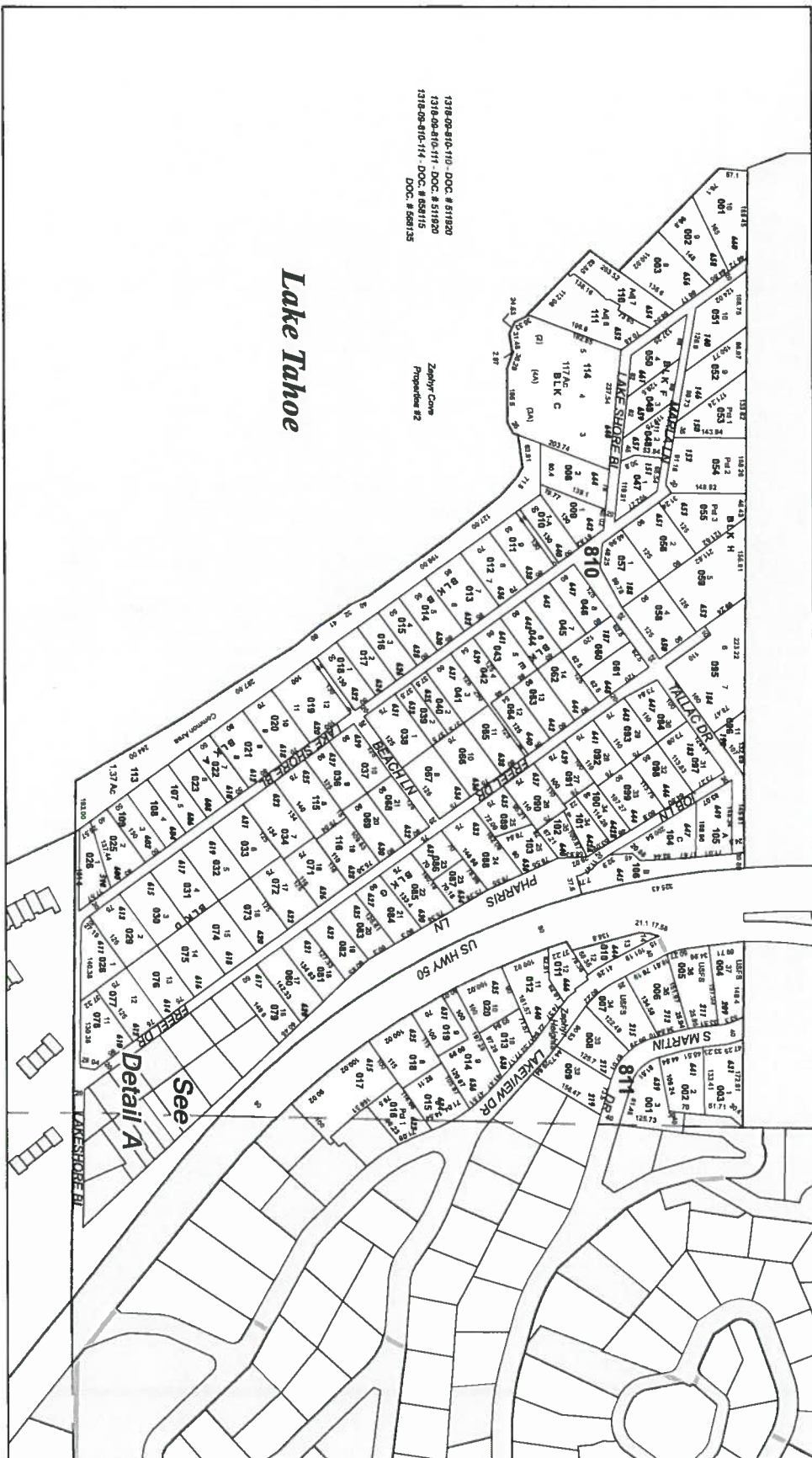
19. The Permittee understands and agrees that the Department may cancel a permit for failure of the holder to comply with NAC 445A.028 to 445A.052, inclusive, or with any condition under which the permit was granted. Failure to concur with or comply with any of the conditions contained herein will cause this permit to become invalid and require the immediate removal of the SIXTY (60) single, residential-use buoy anchors and FIFTY (50) mooring buoy floats.

18. The Permittee understands and agrees that the buoy(s) authorized under this permit will conform with the placement depicted on the Final Site Plans approved November 10, 2015, and are on file in the office of the Division of State Lands and are incorporated hereto and hereby included in this authorization.

19. This permit abrogates and replaces permit number 1221, which authorized SIXTY (60) single, residential-use mooring buoys, and was in effect from July 1, 2009 until June 30, 2014.

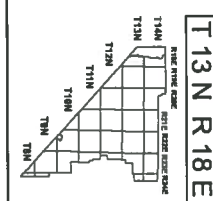
20. This permit was amended on December 16, 2015, to reflect the relocation of ELEVEN (11) mooring buoy anchors into deeper water. No additional mooring buoy anchors are authorized. All original permit terms and conditions remain in full force and effect.

NOTE: This map is prepared for the use of the Douglas County Assessor, for assessment and illustrative purposes only. It does not represent survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data delineated herein.



**Map Legend**

	Parcel Boundary	001	Parcel Number
	Subdivision Boundary	110	Parcel Sub/Seq Number
	Town Boundary	10.0 Ac	Parcel Acreage
	Township/Range/Section	B.L.K. A	Parcel Block Number
	Open Space/Conservation Easements	1	Parcel Lot Number
		1100	Parcel Address



**SEC. 9**

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

**S 1/2 SE 1/4**

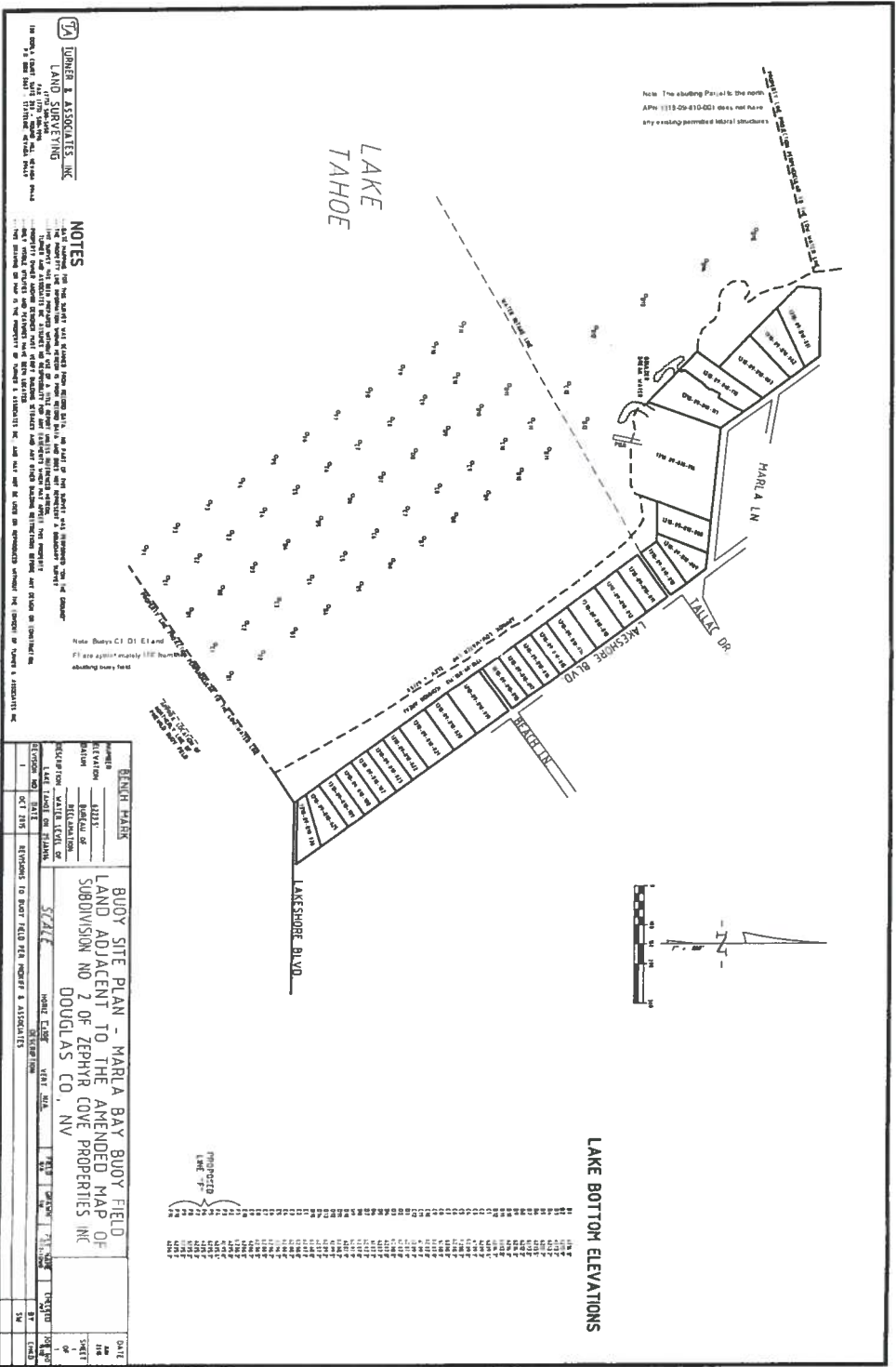
1	5
2	6
3	7
4	8

**1318-09-8**

DOUGLAS COUNTY  
 GIS

SCALE: 1" = 200'  
 REV/S/D: 3/31/2015

**APPROVED**  
 BY *[Signature]*  
 NEVADA DIVISION OF STATE LANDS  
 DATE 11/10/15



**DOHERTY & ASSOCIATES, INC.**  
 LAND SURVEYING  
 1400 S. 2000 EAST, SUITE 100, WEST VALLEY CITY, UT 84119  
 TEL: 801.373.8888 FAX: 801.373.8889  
 WWW.DOHERTY-SURVEYING.COM

**NOTES**

1. THE BOUNDARIES SHOWN ON THIS MAP WERE DETERMINED BY MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD ON THE DATE SHOWN ON THIS MAP.
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OWNER	BUOY SITE PLAN - MARLA BAY BUOY FIELD	
PREPARED BY	DOHERTY & ASSOCIATES, INC.	
DATE	11/10/15	
PROJECT	LAKE BOTTOM ELEVATIONS	
SCALE	AS SHOWN	
REVISIONS		
NO.	DATE	DESCRIPTION
1		
2		
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