

Frank Hess*
Leonard R. Carlman* (Of Counsel)
Paul E. D'Amours**
Nicole G. Krieger*
* Admitted in WY
** Admitted in WY, ID & CO

HESS CARLMAN & D'AMOURS, LLC
ATTORNEYS AT LAW
30 East Simpson St.
P.O. Box 449
Jackson, Wyoming 83001

(307) 733-7881 Phone
(307) 733-7882 Fax
nicole@hcdlawyers.com
Pat Michael
Legal Assistant

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Teton County Board of Commissioners
200 S. Willow
Jackson, WY 83001
Via Hand Delivery and email to sbirdyshaw@tetonwyo.org

RE: Melody Ranch Third Well

Dear Commissioners:

The Meadows of Melody Ranch Homeowners Association, Inc. (HOA) and the Melody Ranch Improvement and Service District (ISD) have completed their due diligence related to the possible appeal of County Engineer Sean O'Malley's determination that a third well is not necessary for Melody Ranch.

The findings have been informative. As part of their analysis, the HOA and ISD obtained data to determine whether Melody Ranch's water use is excessive, as was suggested in Mr. O'Malley's letter. Based on a comparison of water usage data within Melody Ranch and at Jackson Hole Golf and Tennis, which has similarly developed landscaping and irrigation systems in place, Melody Ranch homeowners are not using more water than others similarly situated.

In addition, in an effort to comprehensively analyze the effect of one of the two wells going out of service during summer months, the HOA and ISD undertook a more detailed analysis of the available water in the well and tank system, as compared to the actual daily use/daily demand in summer months.¹ Our data analysis conclusively shows that if one well were to go out of service during the summer, Melody residents would need to immediately decrease water use by 25% for the duration of time that only a single well is in operation. This number was of concern to the HOA and ISD based on the fact that neither the HOA nor the ISD has a system in place to effectively enforce water rationing, nor is an enforceable system of rationing even feasible given the existing design of the Melody water system.

The HOA and ISD were somewhat surprised to learn, however, that the Teton County Fire Department does not deem a 25% water reduction problematic. The Fire Department advised that if the water system is functioning properly and if the water systems manager is

¹ To simplify this analysis, we used data supplied by Jorgensen and Associates, which data was approved by the Developer.

following all protocol, the system is designed in a manner to allow the fire reserve to be maintained before water is released for the Subdivision's general needs. Thus, according to the Fire Department, the water rationing is of no particular consequence to a fire suppression analysis. The Fire Department likewise did not express concern that system or operator error could cause problems with the system operating in this manner. While the HOA and ISD are significantly less confident in the seamless operation of this system and the lack of any future system problems or errors, the HOA and ISD do not intend to second-guess the Fire Department in their area of expertise with respect to this matter.

Ultimately, the HOA and the ISD understand that in an appeal, the standard under which Mr. O'Malley's decision would be reviewed is whether Mr. O'Malley's decision is reasonable in light of the information available. At this time, given this standard of review and the Fire Department's position, the HOA and ISD have determined that the most financially prudent and sensible approach is to use their limited resources toward ensuring that they maintain adequate backup parts for the existing wells, rather than toward potentially protracted litigation with an uncertain outcome. The HOA and ISD will also be exploring their own construction of a third well such that a potentially unenforceable water rationing system, the possibility of system error with the water system itself, or the possibility of operator error do not cause unnecessary hardship on Melody homeowners.

While a 25% required reduction in water use via a rationing system or other means may not be unreasonable in the abstract, the HOA and ISD continue to believe it is unwarranted in this instance, where the requirements for water use were imposed upon the homeowners at the outset by the Developer, and where the need for water restrictions and rationing would be obviated entirely by construction of a third well. Despite this strong sentiment, we will accept, and agree to disagree with, the County Engineer's decision.

We are hopeful that the County will support Melody should it choose to explore funding options from the state or other granting entities for a third well to address the above-described issues, and look forward to discussing well funding options with the County in the future should the opportunity present itself.

Sincerely,



Nicole G. Krieger

cc: Keith Gingery, Sean O'Malley, Rich Bloom (President of Meadows of Melody Ranch Homeowners Association, Inc.), Larry Pardee (President of Melody Ranch Improvement and Service District)