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## MEMORANDUM

TO: Chatfield Watershed Authority (“CWA”) Technical Advisory Committee (“TAC”)  
FROM: Michael Daugherty, Somach Simmons & Dunn (“SSD”)  
SUBJECT: Data Sharing Agreement (with Member Entities)  
DATE: August 25, 2023

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Included with this memorandum is a draft Data Sharing Agreement drafted by SSD that establishes the terms, conditions, and obligations related to CWA’s sharing of its reservoir model and data with member entities.

Several CWA member entities have expressed an interest in using CWA’s watershed model and data for their own purposes. Accordingly, the draft agreement seeks to clarify that such information is the property of CWA and expressly prohibits member entities from distributing the information without the express written consent of CWA. The agreement also makes clear that CWA assumes no liability for the accuracy of the data and/or model, or for any work conducted by the member entity using CWA’s shared information.

Pursuant to paragraphs 1.4, 1.6, and 5.2 of the Services Agreement for Chatfield Watershed Authority Technical Services entered between CWA and Lynker Technologies on March 4, 2020, for development and use of the Chatfield watershed model, the modeling and data information produced by Lynker on behalf of CWA is CWA’s exclusive property, and CWA can freely assign and/or transfer it. The agreement entered into between the Chatfield Reservoir Mitigation Company and Hydros Consulting, Inc. on October 17, 2016, regarding development of a water quality model for Chatfield Reservoir permits the Chatfield Reservoir Mitigation Company (“CRMC”) to “copy, publish, display, transfer, and prepare derivative works” related to the model. See paragraph 5.6.1. I am not aware of any agreement between CWA and CRMC regarding data sharing related to the reservoir model and data.

SSD recommends the TAC review the draft Data Sharing Agreement, and if agreeable to the TAC, move to adopt the draft agreement as CWA’s official agreement for data sharing with member entities moving forward.