

## **Appendix A – Conditions of Use**

### **Terms and Conditions for Use of PC-HYDRO**

The Pima County Regional Flood Control District ("PCRFC") grants to the user the rights to access PC-HYDRO 7.x "the Website" subject to the following Terms and Conditions of Use:

PCRFC is solely responsible for the content of the Website. The Website may not be modified, abridged, decompiled, disassembled, unobfuscated or reverse engineered. The user is solely responsible for the content, interactions, and effects of any and all amendments, if present, whether they be extension modules, language resource bundles, scripts or any other amendment.

No part of this Terms and Conditions for Use may be modified, deleted or obliterated from the Website.

No part of the Website may be exported or re-exported in contravention of U.S. export laws or regulations.

### **Waiver of Warranty**

THE PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT AND ITS AGENCIES, OFFICIALS, REPRESENTATIVES, AND EMPLOYEES, INCLUDING ITS CONTRACTORS AND SUPPLIERS PROVIDE PC-HYDRO 7.x "AS IS," WITHOUT ANY WARRANTY OR CONDITION, EXPRESSED, IMPLIED OR STATUTORY, AND SPECIFICALLY DISCLAIM ANY IMPLIED WARRANTIES OF TITLE, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT. Depending on state law, the foregoing disclaimer may not apply to you, and you may also have other legal rights that vary from state to state.

### **Limitation of Liability**

IN NO EVENT SHALL THE PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT AND ITS AGENCIES, OFFICIALS, REPRESENTATIVES, AND EMPLOYEES, INCLUDING ITS CONTRACTORS AND SUPPLIERS, BE LIABLE FOR LOST PROFITS OR ANY SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH USE OF PC Hydro 6.0 REGARDLESS OF CAUSE, INCLUDING NEGLIGENCE.

THE PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT'S LIABILITY, AND THE LIABILITY OF ITS AGENCIES, OFFICIALS, REPRESENTATIVES, AND EMPLOYEES, INCLUDING ITS CONTRACTORS AND SUPPLIERS, TO YOU OR ANY THIRD PARTIES IN ANY CIRCUMSTANCE IS LIMITED TO THE CORRECTION OF

IDENTIFIED ERRORS WITHIN PC-HYDRO 7.x. Depending on state law, the above limitation or exclusion may not apply to you.

### **Indemnity**

As a voluntary user of PC-HYDRO 7.x you agree to indemnify and hold the Pima County Regional Flood Control District, and its agencies, officials, representatives, and employees, including its contractors and suppliers, harmless from any claim or demand, including reasonable attorneys' fees, made by any third party due to or arising out of your use of PC-HYDRO 7.x or breach of this Agreement or your violation of any law or the rights of a third party.

### **Assent**

Clicking in the "I Agree" box indicates that you voluntarily accept these terms and conditions.