

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 266

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO WATER; AMENDING TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW  
2 CHAPTER 43, TITLE 42, IDAHO CODE, TO PROVIDE FOR CLOUD SEEDING, TO PRO-  
3 VIDE LEGISLATIVE FINDINGS, TO DEFINE A TERM AND TO PROVIDE EXCEPTIONS,  
4 TO PROVIDE FOR PROGRAMS AND CONTRACTING, TO PROVIDE FOR THE USE OF STATE  
5 FUNDS, TO PROVIDE FOR DISTRIBUTION OF WATER GENERATED THROUGH CLOUD  
6 SEEDING, TO PROHIBIT CERTAIN CLAIMS OF LIABILITY, AND TO PROVIDE THAT  
7 CERTAIN PERMITS SHALL NOT BE REQUIRED.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Title 42, Idaho Code, be, and the same is hereby amended  
11 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
12 ter 43, Title 42, Idaho Code, and to read as follows:

13 CHAPTER 43  
14 CLOUD SEEDING

15 42-4301. CLOUD SEEDING. (1) The legislature finds that:

16 (a) Idaho's economy and the welfare of its citizens depend upon a reli-  
17 able and sustainable water supply. It is essential, therefore, that the  
18 state continues to identify, develop, and implement projects that aug-  
19 ment and sustain the state's water resources.

20 (b) The cloud seeding program developed and implemented by the Idaho  
21 water resource board, in cooperation with interested stakeholders,  
22 presents a unique and innovative opportunity to augment and sustain the  
23 water resources of the state.

24 (c) Augmenting water supplies through cloud seeding is in the public  
25 interest. Public benefits of cloud seeding include drought mitigation,  
26 protection of water rights, protection of municipal and business ac-  
27 tivities dependent on water, water quality, recreation, and fish and  
28 wildlife.

29 (d) Data accumulated and analysis undertaken since the initiation of  
30 the cloud seeding program demonstrates that cloud seeding has resulted  
31 in an annual increase in the water supplies in the basins in which cloud  
32 seeding has been performed. However, additional research and analy-  
33 sis is necessary to determine the precise nature and extent of those in-  
34 creases. The legislature recommends that such research be continued as  
35 the cloud seeding program progresses and that annual reports on such re-  
36 search be provided to the legislature.

37 (e) The legislature recognizes that expansion of the cloud seeding pro-  
38 gram may benefit basins throughout the state that experience depleted  
39 or insufficient water supplies, and the legislature recommends that  
40 the water resource board complete an assessment of basins and work with

1 affected stakeholders to implement the cloud seeding program in basins  
2 that would benefit from the program.

3 (2) As used in this chapter, "cloud seeding" means all acts undertaken  
4 to artificially distribute or create nuclei in cloud masses for the purposes  
5 of inducing precipitation, cloud forms, or other meteorological parameters.  
6 Cloud seeding for the suppression of fog and frost prevention measures for  
7 the protection of orchards and crops are excluded from the coverage of this  
8 chapter.

9 (3) The water resource board shall authorize, and may sponsor or de-  
10 velop, local or statewide cloud seeding programs and may contract any indi-  
11 vidual or organization for consultation and assistance in developing cloud  
12 seeding programs or in furthering research related to cloud seeding.

13 (4) State funds may be used or expended on cloud seeding programs only  
14 in basins where the water resource board finds that existing water supplies  
15 are not sufficient to support existing water rights, water quality, recre-  
16 ation, or fish and wildlife uses dependent on those water supplies. Water  
17 generated through cloud seeding shall be distributed in accordance with the  
18 prior appropriation doctrine.

19 (5) The act of cloud seeding pursuant to a project funded in whole or  
20 in part by the state of Idaho or authorized by the state water resource board  
21 shall not be the basis of any claim of liability, including but not limited  
22 to trespass or public or private nuisance, and shall not require any state or  
23 local permits.