

IN THE SENATE

SENATE BILL NO. 1065

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO WEATHER MODIFICATION; AMENDING THE HEADING FOR CHAPTER 43, TI-
2 TLE 22, IDAHO CODE; REPEALING SECTION 22-4301, IDAHO CODE, RELATING TO
3 THE ESTABLISHMENT OF WEATHER MODIFICATION DISTRICTS; REPEALING SECTION
4 22-4302, IDAHO CODE, RELATING TO THE WEATHER MODIFICATION FUND; AMEND-
5 ING CHAPTER 43, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
6 22-4301, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 43, TITLE 22,
7 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-4302, IDAHO CODE, TO PRO-
8 HIBIT UNAUTHORIZED WEATHER MODIFICATION AND SOLAR RADIATION MANAGEMENT
9 AND TO PROVIDE FOR ENFORCEMENT; AMENDING CHAPTER 43, TITLE 22, IDAHO
10 CODE, BY THE ADDITION OF A NEW SECTION 22-4303, IDAHO CODE, TO PROVIDE
11 EXEMPTIONS; AMENDING SECTION 42-605, IDAHO CODE, TO REMOVE A REFERENCE
12 TO WEATHER MODIFICATION; AMENDING SECTION 42-1805, IDAHO CODE, TO CLAR-
13 IFY TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
14

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

16 SECTION 1. That the Heading for Chapter 43, Title 22, Idaho Code, be,
17 and the same is hereby amended to read as follows:

18 CHAPTER 43
19 WEATHER MODIFICATION DISTRICTS

20 SECTION 2. That Section [22-4301](#), Idaho Code, be, and the same is hereby
21 repealed.

22 SECTION 3. That Section [22-4302](#), Idaho Code, be, and the same is hereby
23 repealed.

24 SECTION 4. That Chapter 43, Title 22, Idaho Code, be, and the same is
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
26 ignated as Section 22-4301, Idaho Code, and to read as follows:

27 22-4301. DEFINITIONS. As used in this chapter:

28 (1) "Cloud seeding" means introducing particles or droplets into
29 clouds with the goal of enhancing snowpack or rainfall, mitigating hail, or
30 dispersing fog.

31 (2) "Solar radiation management" means the deliberate modification of
32 the earth's radiative balance by reflecting and reducing sunlight, includ-
33 ing but not limited to the injection of aerosols into the stratosphere.

34 (3) "Weather modification" means the deliberate alteration of atmo-
35 spheric conditions to influence weather pattern, including but not limited
36 to precipitation enhancement, fog dispersal, and hail suppression.

1 SECTION 5. That Chapter 43, Title 22, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 22-4302, Idaho Code, and to read as follows:

4 22-4302. PROHIBITION OF UNAUTHORIZED WEATHER MODIFICATION AND SOLAR
5 RADIATION MANAGEMENT -- ENFORCEMENT. (1) It is unlawful for any person to
6 engage in weather modification or solar radiation management activities
7 within the state of Idaho.

8 (2) A violation of this section is a misdemeanor offense.

9 (3) All state law enforcement personnel, any sheriff or deputy sheriff
10 in a county, and any police officer in a city shall have authority to enforce
11 this chapter.

12 SECTION 6. That Chapter 43, Title 22, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 22-4303, Idaho Code, and to read as follows:

15 22-4303. EXEMPTIONS. Cloud seeding operations authorized by the Idaho
16 water resource board under chapter 43, title 42, Idaho Code, are exempt from
17 the provisions of this chapter.

18 SECTION 7. That Section 42-605, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 42-605. DISTRICT MEETINGS -- WATERMASTER AND ASSISTANTS -- ELECTION
21 -- REMOVAL -- OATH AND BOND -- ADVISORY COMMITTEE. (1) There shall be held
22 on the first Monday in March in each year, except as provided in subsection
23 (2) of this section, a meeting of persons owning or having the use of a water
24 right in the waters of the stream or water supply comprising such district
25 that is assessed or proposed to be assessed by such district, which right has
26 been adjudicated or decreed by the court or is represented by valid permit or
27 license issued by the department of water resources.

28 (2) Such meeting shall be held at some place within the water district,
29 or at some nearby location convenient to a majority of those entitled to vote
30 thereat. The director of the department of water resources shall, at least
31 twenty-one (21) days prior to the meeting date, send notification by regu-
32 lar mail to all persons, companies, corporations or other entities known by
33 the director to hold rights that are assessed or proposed to be assessed by
34 such district, which right has been adjudicated or decreed by the court or
35 is represented by valid permit or license issued by the department of wa-
36 ter resources, of the time, date, location and purpose of the annual meet-
37 ing. At any annual meeting, the water users may vote to waive the require-
38 ment for notice by mail and provide for notice to be given for future meet-
39 ings by publication of the time, date, location and purpose of the meeting
40 in a newspaper or newspapers in general circulation in the district or on the
41 department of water resources website. Published notice in a newspaper or
42 newspapers shall be made once per week for two (2) consecutive weeks with the
43 second notice appearing at least fourteen (14) and not more than thirty (30)
44 days prior to the meeting. Notice on the department of water resources web-
45 site shall be posted at least twenty-one (21) days prior to the meeting date.
46 At any annual meeting, the water users may vote to change the date for an-

1 nual meetings in subsequent years to any day, except Saturday and Sunday, be-
2 tween the second Monday of January and the fourth Tuesday of May. At an an-
3 nual meeting, the water users may adopt resolutions to assure or improve the
4 distribution of the waters of the district within state law and may provide
5 that such resolutions shall continue from year to year.

6 (3) At the meeting of the water users of a district, there shall be
7 elected a watermaster for such water district, who may be authorized to em-
8 ploy such other regular assistants as the water users shall deem necessary,
9 and who, upon appointment by the director, shall be responsible for distri-
10 bution of water within said water district. Notwithstanding any personnel
11 classification assigned to the watermaster and assistants pursuant to the
12 provisions of chapter 53, title 67, Idaho Code, the water users shall, prior
13 to the election of such watermaster and approval of the employment of assis-
14 tants, fix the compensation to be paid them during the time actually engaged
15 in the performance of their duties.

16 (4) Voting shall be by majority vote of the water users present at the
17 meeting unless one (1) or more water users requests voting using the pro-
18 cedure which follows in this subsection. In such case, the meeting chair-
19 man shall appoint a credentials committee to determine the number of votes
20 each water user present is authorized to cast. If requested, each person
21 present who owns or has the use for the ensuing season of any water right in
22 the stream or water supply comprising such water district that is assessed or
23 proposed to be assessed by such district, which right has been adjudicated
24 or decreed by the court or is represented by valid permit or license issued
25 by the department of water resources, shall be entitled to a number of votes
26 equal to the average annual dollar amount and any fraction thereof assessed
27 for that person's qualifying water right for the previous five (5) years, or
28 such lesser number of years as the right has been assessed. If a right has
29 not previously been assessed, a person present who owns or has the use of the
30 right for the ensuing season shall be entitled to a number of votes equal to
31 the dollar amount and any fraction thereof that the right would have been as-
32 sessed had it existed and been reasonably used when water was available under
33 the priority of the right during the previous season. Absentee voting and
34 voting by proxy are prohibited.

35 (5) At such meeting, the water users shall choose a meeting chairman and
36 meeting secretary. The water users of any water district that collects or
37 pays district expenses in accordance with section 42-613(3) or 42-619, Idaho
38 Code, shall also elect a water district treasurer. Within five (5) business
39 days after such meeting, the meeting chairman and meeting secretary shall
40 forward a certified copy of the minutes of such meeting to the department of
41 water resources. The meeting chairman, or the meeting secretary if the meet-
42 ing chairman is not present, from the immediately preceding annual meeting
43 shall call the meeting to order and preside over the election of officers for
44 the meeting.

45 (6) At such meeting, the water users may choose an advisory committee
46 to be composed of members selected as may be determined at the meeting, which
47 committee shall serve as advisors to the director and the watermaster in mat-
48 ters pertaining to the distribution of water within the district. The advi-
49 sory committee may be authorized to carry out policies as set forth in reso-
50 lutions duly adopted by the water users at the annual meeting or at a special

1 meeting. The advisory committee may also serve as the local committee to fa-
2 cilitate the rental of stored water if appointed by the water resource board
3 for such purpose under the provisions of section 42-1765, Idaho Code.

4 (7) A corporation or a water delivery organization, including but not
5 limited to a water company, an irrigation district, an irrigation company or
6 a canal company, shall be considered a person for the purpose of this section
7 and shall designate someone to cast its vote.

8 (8) Should said meeting not be held, or should said watermaster not be
9 elected or the watermaster's compensation not be fixed as above provided,
10 then the director is authorized to appoint a watermaster and fix the water-
11 master's compensation.

12 (9) The director may remove any watermaster whenever such watermaster
13 fails to perform the watermaster's duty, upon complaint made to the direc-
14 tor in writing, by one (1) person owning or having the right to the use of a
15 water right that is assessed by such district, which right has been adjudi-
16 cated or decreed by the court or is represented by valid permit or license is-
17 sued by the department of water resources, provided, that upon investigation
18 the director, after a hearing with the other water users of said district,
19 which shall be held in the district or at some location convenient to the wa-
20 ter users of the district, finds such charge to be true, and the director may
21 appoint a successor for the unexpired term.

22 (10) Before entering upon the duties of the watermaster's office, said
23 watermaster shall take and subscribe to an oath before some officer autho-
24 rized by the laws of the state to administer oaths, to faithfully perform
25 the duties of the watermaster's office, as provided in section 42-607, Idaho
26 Code, and shall file that oath with the department of water resources. Upon
27 appointment by the director, the actions taken by a watermaster in fulfill-
28 ment of the duties of the office are covered by the state group surety bond
29 as provided by sections 59-801 through 59-804, Idaho Code. A duly appointed
30 watermaster that is reelected in consecutive years shall not be required to
31 take and file additional oaths with the department of water resources for
32 each consecutive year the watermaster is reelected. If a duly elected or ap-
33 pointed watermaster resigns, dies or is physically unable to perform the du-
34 ties of the office during the remainder of the elected or appointed watermas-
35 ter term of service, then the director is authorized to appoint a successor
36 for the unexpired term as provided in paragraphs (a) and (b) of this subsec-
37 tion.

38 (a) If a water district advisory committee has been chosen as provided
39 in subsection (6) of this section, the water district advisory commit-
40 tee shall meet to either nominate a successor watermaster or request a
41 special meeting as provided in subsection (11) of this section to elect
42 a new watermaster. Upon receipt of a nomination from a majority of the
43 members of the water district advisory committee, the director is au-
44 thorized to appoint the nominated successor watermaster for the unex-
45 pired term.

46 (b) If a water district advisory committee has not been chosen, the
47 director of the department of water resources is authorized to appoint
48 a temporary successor watermaster. The temporary appointment extends
49 through the unexpired term unless a special meeting is requested as

1 provided in subsection (11) of this section and water users elect a new
2 watermaster.

3 (11) The director shall call a special meeting of the water district
4 upon receipt of a written request for such meeting from a majority of the
5 members of the advisory committee for a district, a written request from
6 water users representing thirty percent (30%) or more of the votes cast at
7 the last regular annual meeting, a written request from the watermaster, or
8 on the director's own motion if the director determines a meeting is neces-
9 sary to address matters that cannot be delayed until the next regular annual
10 meeting. Notice of the time, place and purpose of the special meeting shall
11 be given by the director in the manner provided in subsection (2) of this sec-
12 tion, provided however, that a special meeting notice shall be sent at least
13 fourteen (14) days prior to the meeting date.

14 (12) The water users may, by resolution, authorize the watermaster to
15 acquire, hold and dispose of such real and personal property, equipment and
16 facilities in the name of the water district as necessary for the proper dis-
17 tribution of water, administration of the water district and enhancement of
18 water supplies and shall provide that all such real and personal property
19 shall remain in the custody of the watermaster and the watermaster's succes-
20 sor.

21 (13) The water users may, by resolution, authorize the watermaster to
22 develop, coordinate or provide, through contract or by other means, for
23 ~~weather modification~~ projects involving cloud seeding that are designed to
24 increase the water supplies of the water district by enhancing natural pre-
25 cipitation and which conform to state water planning objectives.

26 SECTION 8. That Section 42-1805, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 42-1805. ADDITIONAL DUTIES. In addition to other duties prescribed by
29 law, the director of the department of water resources shall have the follow-
30 ing powers and duties:

31 (1) To represent the state in all matters pertaining to interstate and
32 international water rights affecting Idaho water resources; and to cooper-
33 ate with all agencies, now existing or hereafter to be formed, within the
34 state or within other jurisdictions, in matters affecting the development of
35 the water resources of this state.

36 (2) To prepare a present and continuing inventory of the water re-
37 sources of this state, ascertain means and methods of conserving and
38 augmenting these and determine as accurately as possible the most effective
39 means by which these water resources may be applied for the benefit of the
40 people of this state.

41 (3) To conduct surveys, tests, investigations, research, examina-
42 tions, studies, and estimates of cost relating to availability of unappro-
43 priated water, effective use of existing supply, conservation, storage,
44 distribution and use of water.

45 (4) To prepare and compile information and data obtained and to make the
46 same available to interested individuals or agencies.

47 (5) To cooperate with and coordinate activities with the director of
48 the department of environmental quality as such activities relate to the

1 functions of either or both departments concerning water quality. Such co-
2 operation and coordination shall specifically require that:

3 (a) The director meet at least quarterly with the director of the de-
4 partment of environmental quality and his staff to discuss water qual-
5 ity programs. A copy of the minutes of such meeting shall be transmitted
6 to the governor.

7 (b) The director transmit to the director of the department of envi-
8 ronmental quality reports and information prepared by him pertaining to
9 water quality programs and proposed rules pertaining to water quality
10 programs.

11 (c) The director shall make available to the director of the department
12 of environmental quality and the director of the department of envi-
13 ronmental quality shall make available to the director all notices of
14 hearings relating to the promulgation of rules relating to water qual-
15 ity, waste discharge permits, and stream channel alteration, as such
16 directly affect water quality, and notices of any other hearings and
17 meetings which relate to water quality.

18 (6) To perform administrative duties and such other functions as the
19 board may, from time to time, assign to the director to enable the board to
20 carry out its powers and duties.

21 (7) After notice, to suspend the issuance or further action on permits
22 or applications as necessary to protect existing vested water rights or to
23 ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or
24 to prevent violation of minimum flow provisions of the state water plan.

25 (8) To promulgate, adopt, modify, repeal and enforce rules implement-
26 ing or effectuating the powers and duties of the department.

27 (9) To seek a preliminary or permanent injunction, or both, or a tempo-
28 rary restraining order restraining any person from violating or attempting
29 to violate:

30 (a) Those provisions of law relating to all aspects of the appropria-
31 tion of water, distribution of water, headgates and measuring devices;
32 or

33 (b) The administrative or judicial orders entered in accordance with
34 the provisions of law.

35 (10) To develop, coordinate and provide, through contract or by other
36 means, for ~~weather modification~~ projects involving cloud seeding that are
37 designed to increase the water supplies of the state by enhancing natural
38 precipitation and that conform to state water planning objectives. To ac-
39 complish these purposes, the director is authorized to accept and use funds
40 acquired through legislative appropriation or by gift, grant, contribution
41 or funding received from any private or public individual or entity. All
42 funds accepted under this provision shall be transmitted to the state trea-
43 surer for deposit in the water administration account and shall be reserved
44 and made available until expended as ordered by the director for ~~weather mod-~~
45 ification cloud seeding purposes determined by the director to be benefi-
46 cial.

47 (11) To develop and implement a plan for data gathering to determine any
48 effect of the ~~weather modification~~ cloud seeding efforts in which the de-
49 partment is involved.

1 (12) To receive, file, record, or retain documents of record on media
2 other than paper.

3 SECTION 9. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after
5 July 1, 2025.