LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 266

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

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

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

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

CHAPTER 43

CLOUD SEEDING

42-4301. CLOUD SEEDING. (1) The legislature finds that:
(a) Idaho's economy and the welfare of its citizens depend upon a reli-
able and sustainable water supply. It is essential, therefore, that the
state continues to identify, develop, and implement projects that aug-
ment and sustain the state's water resources.
(b) The cloud seeding program developed and implemented by the Idaho
water resource board, in cooperation with interested stakeholders,
prevents a unique and innovative opportunity to augment and sustain the
water resources of the state.
(c) Augmenting water supplies through cloud seeding is in the public
interest. Public benefits of cloud seeding include drought mitigation,
protection of water rights, protection of municipal and business activ-
ties dependent on water, water quality, recreation, and fish and
wildlife.
(d) Data accumulated and analysis undertaken since the initiation of
the cloud seeding program demonstrates that cloud seeding has resulted
in an annual increase in the water supplies in the basins in which cloud
seeding has been performed. However, additional research and analy-
is is necessary to determine the precise nature and extent of those in-
creases. The legislature recommends that such research be continued as
the cloud seeding program progresses and that annual reports on such re-
search be provided to the legislature.
(e) The legislature recognizes that expansion of the cloud seeding pro-
gram may benefit basins throughout the state that experience depleted
or insufficient water supplies, and the legislature recommends that
the water resource board complete an assessment of basins and work with
affected stakeholders to implement the cloud seeding program in basins that would benefit from the program.

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

(3) The water resource board shall authorize, and may sponsor or develop, local or statewide cloud seeding programs and may contract any individual or organization for consultation and assistance in developing cloud seeding programs or in furthering research related to cloud seeding.

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

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