

IN THE SENATE

SENATE BILL NO. 1064, As Amended

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CLOUD SEEDING; AMENDING SECTION 42-4301, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING CLOUD SEEDING; AMENDING CHAPTER 43, TITLE 42,
3 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-4302, IDAHO CODE, TO DE-
4 FINE TERMS; AMENDING CHAPTER 43, TITLE 42, IDAHO CODE, BY THE ADDITION
5 OF A NEW SECTION 42-4303, IDAHO CODE, TO PROVIDE FOR AUTHORIZATION AND
6 REPORTING REQUIREMENTS AND TO PROVIDE AN EXCEPTION; AMENDING CHAPTER
7 43, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-4304, IDAHO
8 CODE, TO PROVIDE FOR THE USE OF STATE FUNDS; AND DECLARING AN EMERGENCY
9 AND PROVIDING AN EFFECTIVE DATE.
10

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

12 SECTION 1. That Section 42-4301, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 42-4301. CLOUD SEEDING -- LEGISLATIVE FINDINGS. (1) The legislature
15 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~~ may be in the
25 public interest. Public benefits of cloud seeding include drought mit-
26 igation, protection of water rights, protection of municipal and busi-
27 ness activities dependent on water, water quality, recreation, and fish
28 and wildlife.

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

37 ~~(e)~~ (2) The legislature recognizes that expansion of the cloud seeding
38 program may benefit basins throughout the state that experience depleted or
39 insufficient water supplies, and the legislature recommends that the wa-
40 ter resource board complete an assessment of basins and work with affected
41 stakeholders to implement the cloud seeding program in basins that would
42 benefit from the program.

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

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

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

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

22 SECTION 2. That Chapter 43, Title 42, Idaho Code, be, and the same is
 23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 24 ignated as Section 42-4302, Idaho Code, and to read as follows:

25 42-4302. DEFINITIONS. As used in this chapter:

26 (1) "Board" means the Idaho water resource board.

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

30 SECTION 3. That Chapter 43, Title 42, Idaho Code, be, and the same is
 31 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 32 ignated as Section 42-4303, Idaho Code, and to read as follows:

33 42-4303. AUTHORIZATION AND REPORTING REQUIREMENTS. (1) The board
 34 shall authorize, and may sponsor or develop, local or statewide cloud
 35 seeding programs and may contract any individual or organization for consul-
 36 tation and assistance in developing cloud seeding programs or in furthering
 37 research related to cloud seeding.

38 (2) The board shall compile and publish an annual report detailing:

39 (a) Operational data, including specific dates, locations, and meth-
 40 ods used for cloud seeding operations conducted during the reporting
 41 period;

42 (b) The science as it relates to environmental impacts associated with
 43 cloud seeding activities;

44 (c) Public engagement efforts, including documentation of public noti-
 45 fications, consultations, and feedback received regarding cloud seed-
 46 ing operations; and

1 (d) Effectiveness metric analysis of outcomes achieved, such as in-
2 creases in snowpack or water reservoir levels due to cloud seeding.

3 (3) The annual report shall be made publicly accessible through the
4 board's official website and presented during public meetings of the board
5 to ensure transparency and community involvement.

6 (4) Within forty-five (45) calendar days of the beginning of each op-
7 erational period, each operator shall submit a cloud seeding monthly report
8 on operations to the board. This report shall include general locations,
9 ground generators, flight paths, dates and times of cloud seeding, any sus-
10 pension periods, type and amount of materials used, and methods of opera-
11 tion.

12 (5) Any individual, organization, or entity that independently con-
13 ducts cloud seeding operations within the state of Idaho shall adhere to the
14 same authorization, reporting, and operational requirements as those estab-
15 lished for state-sponsored cloud seeding programs.

16 (6) Cloud seeding to enhance rainfall, mitigate hail, disperse fog, or
17 prevent frost for the sole purpose of protecting orchards and crops is ex-
18 cluded from the provisions of this chapter.

19 SECTION 4. That Chapter 43, Title 42, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 42-4304, Idaho Code, and to read as follows:

22 42-4304. USE OF STATE FUNDS. (1) State funds may be used or expended
23 on cloud seeding programs only in basins where the board finds that exist-
24 ing water supplies are not sufficient to support existing water rights, wa-
25 ter quality, recreation, or fish and wildlife uses dependent on those water
26 supplies. Water generated through cloud seeding shall be distributed in ac-
27 cordance with the prior appropriation doctrine.

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

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