

IN THE SENATE

SENATE BILL NO. 1269

BY RESOURCES AND ENVIRONMENT 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 ESTABLISH AUTHORIZATION AND  
6 REPORTING REQUIREMENTS; AMENDING CHAPTER 43, TITLE 42, IDAHO CODE, BY  
7 THE ADDITION OF A NEW SECTION 42-4304, IDAHO CODE, TO PROVIDE FOR THE USE  
8 OF STATE FUNDS AND LIABILITY; AND DECLARING AN EMERGENCY AND PROVIDING  
9 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 ~~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)~~ (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       (3) Nothing in this chapter shall be construed to affect any permitting  
 23 or reporting requirements that may exist pursuant to federal law or regula-  
 24 tion.

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

28       42-4302. DEFINITIONS. As used in this chapter:

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

30       (2) "Cloud seeding" means all acts undertaken to artificially distrib-  
 31 ute or create nuclei in cloud masses for the purposes of inducing precipi-  
 32 tation, cloud forms, or other meteorological parameters. Cloud seeding for  
 33 the suppression of fog and frost prevention measures for the protection of  
 34 orchards and crops are excluded from the coverage of this chapter.

35       (3) "Methods used for cloud seeding" means methods to distribute or  
 36 create nuclei in cloud masses, including ground generators, airplanes,  
 37 drones, or other application methods.

38       (4) "Operational period" means the dates during which cloud seeding  
 39 activities are authorized and conducted within a defined basin or project  
 40 area, as approved by the board, typically October 1 through April 30.

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

44       42-4303. AUTHORIZATION AND REPORTING REQUIREMENTS. (1) The board  
 45 shall authorize, and may sponsor or develop, local or statewide cloud seed-  
 46 ing programs. The board may contract any individual or organization for

1 consultation and assistance in developing cloud seeding programs or in fur-  
2 thering research related to cloud seeding.

3 (2) The board shall conduct public meetings, in accordance with chapter  
4 2, title 74, Idaho Code, when discussing or acting on cloud seeding programs  
5 in Idaho. Such meetings shall include an opportunity for written and oral  
6 public comment.

7 (3) The board shall compile and publish an annual report detailing:

8 (a) Operational data, including dates, locations, and methods used for  
9 cloud seeding operations conducted during the reporting period;

10 (b) The state of the science, including Idaho-specific analysis, as  
11 it relates to water, soil, or air quality, and other environmental im-  
12 pacts, including cumulative impacts, associated with cloud seeding ac-  
13 tivities;

14 (c) Public meetings related to cloud seeding and associated documen-  
15 tation, including public comments or other feedback received regarding  
16 cloud seeding operations; and

17 (d) The effectiveness of outcomes achieved, such as increases in snow-  
18 pack due to cloud seeding.

19 (4) During the operational period, each operator shall submit a monthly  
20 report on cloud seeding operations to the board. The report shall include:

21 (a) Locations of ground generators;

22 (b) Flight paths;

23 (c) Amount and type of cloud seeding activities that occurred;

24 (d) Amount and type of seeding materials used;

25 (e) Any suspension periods; and

26 (f) Methods of operation.

27 (5) Any individual, organization, or entity that independently con-  
28 ducts cloud seeding operations within the state of Idaho shall adhere to the  
29 requirements and conditions of the authorization issued by the board.

30 (6) Water generated through cloud seeding shall be distributed in ac-  
31 cordance with the prior appropriation doctrine.

32 (7) Cloud seeding conducted to enhance rainfall, mitigate hail, dis-  
33 perse fog, or prevent frost is excluded from the provisions of this chapter.

34 (8) Failure to comply with the reporting or disclosure requirements,  
35 as provided by this chapter, shall result in suspension of authorization for  
36 cloud seeding activities until compliance is achieved, as determined by the  
37 board.

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

41 42-4304. USE OF STATE FUNDS -- LIABILITY. (1) State funds may be used  
42 or expended on cloud seeding programs only in basins where the board finds  
43 that existing water supplies are not sufficient to support existing water  
44 rights, water quality, recreation, or fish and wildlife uses dependent on  
45 those water supplies.

46 (2) The act of cloud seeding pursuant to a project funded in whole or in  
47 part by the state of Idaho or authorized by the board shall:

1 (a) Not be the basis of any claim of liability, including trespass or  
2 public or private nuisance, except when such claims arise from acts of  
3 gross negligence or willful misconduct; and

4 (b) Not require any state or local permits.

5 SECTION 5. An emergency existing therefor, which emergency is hereby  
6 declared to exist, this act shall be in full force and effect on and after  
7 July 1, 2026.