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,
presents 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 ac-
tivities 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-
sis 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 de-
velop, local or statewide cloud seeding programs and may contract any indi-
vidual 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, recre-
ation, 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.

[42-4301, added 2021, ch. 256, sec. 1, p. 787.]