

TITLE 42
IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

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 reliable and sustainable water supply. It is essential, therefore, that the state continues to identify, develop, and implement projects that augment 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 activities 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 analysis is necessary to determine the precise nature and extent of those increases. The legislature recommends that such research be continued as the cloud seeding program progresses and that annual reports on such research be provided to the legislature.

(e) The legislature recognizes that expansion of the cloud seeding program 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.

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