**IDAPA 37.03.08 Water Appropriation Rules Cross-Reference Chart**

**Existing Water Appropriation Rule with Corresponding Reference in Strawman Rule**

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| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| **000. LEGAL AUTHORITY (RULE 0).** | **000. LEGAL AUTHORITY.** |
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| **001. TITLE AND SCOPE (RULE 1).** | **001. TITLE AND SCOPE.** |
| 001.01. Title. | 001.01. Title. |
| 001.02. Scope. | 001.02. Scope. |
| 001.02.a. | None |
| 001.02.b. | 001.02. Scope. |
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| **002. – 009. (RESERVED)** | **002. – 009. (RESERVED)** |
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| **010. DEFINITIONS (RULE 10).** | **010. DEFINTIONS.** |
| 010.01. Acre-Foot (AF). | 010.01. Acre-Foot (af). |
| 010.02. Advertisement.  | None |
| 010.03. Applicant.  | 010.02. Applicant. |
| 010.04. Application for Permit.  | 010.03. Application. |
| 010.05. Board.  | 010.04. Board.  |
| 010.06. Beneficial Use. | None |
| 010.07. Cubic Foot Per Second (CFS). | 010.05. Cubic Foot Per Second (cfs).  |
| 010.08. DCMI.  | None |
| 010.09. Department.  | 010.06. Department.  |
| 010.10. Director.  | 010.07. Director.  |
| 010.11. Legal Subdivision.  | None |
| None | 010.08. Murphy Gage.  |
| 010.12. Permit or Water Right Permit.  | 010.09. Permit.  |
| 010.13. Priority, or Priority of Appropriation, or Priority Date.  | 010.10. Priority Date.  |
| 010.14. Project Works. | 010.11. Project Works. |
| 010.15. Single Family Domestic Purposes. | None |
| 010.16. Subordinated Water Right.  | 010.12. Subordinated.  |
| 010.17. Trust Water.  | 010.13. Swan Falls Trust Water Area.  |
| 010.18. Unappropriated Water. | 010.14. Unappropriated Water. |
| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| None | 010.15. Water Right Held in Trust. |
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| **011. – 024. (RESERVED)** | **011. – 024. (RESERVED)** |
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| **025. GENERAL DESCRIPTION OF THE PROCEDURE TO BE USED FOR ALLOCATION (RULE 25).** | **025. GENERAL DESCRIPTION OF THE PROCEDURE TO BE USED FOR ALLOCATION.** |
| 025.01. Applications to Appropriate Unappropriated Water and Water Held in Trust.  | 025.01. Applications to Appropriate Unappropriated Water. |
| 025.02. Applications to Appropriate Water from Sources Held by State in Trust. | 025.02. Applications to Appropriate Water from the Swan Falls Trust Water Area.  |
| 025.02.a.  | 025.02.a.  |
| 025.02.b.  | 025.02.b. |
| 025.02.c. | 025.02.c.  |
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| **026. – 029. (RESERVED)** | **026. – 034. (RESERVED)** |
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| **030. LOCATION AND NATURE OF TRUST WATER (RULE 30).** | **None** (concepts incorporated into Rules 010 and 025) |
| 030.01. Snake River Water Rights Agreement. | None |
| 030.01.a. | 010.13. Swan Falls Trust Water Area. |
| 030.01.b. | 010.13. Swan Falls Trust Water Area. |
| 030.01.c. | None |
| 030.02. Trust Water Created by State Action. | None |
| 030.03. Sources of Public Water Not Trust Water. | None |
| 030.03.a. | None |
| 030.03.b. | None |
| 030.03.c. | None |
| 030.03.d. | None |
| 030.03.e. | 010.13. Swan Falls Trust Water Area. |
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| **031. – 034. (RESERVED)** | **026. – 034. (RESERVED)** |
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| **035. APPLICATION REQUIREMENTS (RULE 35).** | **035. APPLICATION REQUIREMENTS.** |
| 035.01. General Provisions. | 035.01. General Provisions. |
| 035.01.a.  | None |
| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| 035.01.b.  | None |
| 035.01.c.  | None |
| None | 035.01.a. |
| None | 035.01.a.ii. |
|  | 035.01.a.iii. |
| 035.01.d. | 035.01.a.i.035.01.a.iv.035.01.d.035.01.c. |
| None | 035.01.b. |
| 035.01.e. | 035.01.e.  |
| 035.01.f. | 035.01.e. |
| 035.02. Effect of an Application. | 035.02. Effect of an Application. |
| 035.02.a. | 025.02. |
| 035.02.b.  | 035.02.a.  |
| 035.02.c.  | 035.02.b.  |
| 035.02.d.  | 035.02.c.  |
| 035.03. Requirements for Applications to Be Acceptable for Filing. | 035.03. Requirements for Applications to Be Acceptable for Filing.  |
| 035.03.a. | 035.03.a.i.035.03.a.ii |
| 035.03.a.i.  | 035.03.a.035.03.a.i. 035.03.a.ii. |
| 035.03.a.ii. | 035.03.b.035.03.b.i.035.03.b.ii. 035.03.b.iii.  |
| None | 035.03.b.iv. |
| 035.03.a.iii. | 035.03.c. 035.03.c.i. 035.03.c.ii. 035.03.c.iii. |
| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| 035.03.a.iv. | 035.03.d035.03.d.i.  |
| 035.03.a.v.  | 035.03.d.ii.  |
| 035.03.a.vi.  | 035.03.d.iii.  |
| 035.03.a.vii.  | 035.03.e.035.03.e.i.  |
| None | 035.03.e.ii.  |
| None | 035.03.e.iii.  |
| None | 035.03.e.iv.  |
| 035.03.a.viii.  | 035.03.f.035.03.f..i.  |
| 035.03.a.ix.  | 035.03.g.  |
| None | 035.03.h.  |
| None | 035.03.i.  |
| 035.03.x. | 035.03.j.  |
| 035.03.xi. | 035.03.k. |
| 035.03.xii. | 035.03.l.035.03.l.i. |
| 035.03.xiii. | 035.03.l.ii |
| 035.03.xiv. | 035.03.l.iii. |
| 035.03.xv. | None |
| 035.03.xvi.  | 035.01.a.iii |
| 035.04. Amended Applications. | 035.04. Amended Applications. |
| 035.04.a. | 035.04.a. |
| 035.04.b. | 035.04.b. |
| 035.04.c. | 035.04.c. |
| 035.04.d. | 035.04.d.035.04.d.i.035.04.d.ii. |
| None | 035.04.d.iii. |
| 035.04.e. | 035.04.e. |
| 035.04.f. | 035.04.f. |
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| **036. – 039. (RESERVED)** | **036. DELAYED PROCESSING.** |
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| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| **036. – 039. (RESERVED)** | **037. – 039. (RESERVED)** |
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| **040. PROCESSING APPLICATIONS FOR PERMIT AND REPROCESSING PERMITS (RULE 40).** | **040. PROCESSING APPLICATIONS.** |
| 040.01. General. | 040.01. General. |
| 040.01.a. | 040.01. General. |
| None | 040.01.a. |
| None | 040.01.b. |
| None | 040.01.c. |
| 040.01.a.i. | 040.01.d. |
| 040.01.a.ii. | 040.01.e. |
| 040.01.a.iii. | 040.01.e.i. |
| 040.01.a.iv. | 040.01.f. |
| 040.01.a.v. | 040.01.g. |
| 040.01.a.vi. | 040.01.h. |
| 040.01.b. | 040.01. General. |
| 040.01.b.i. | 040.01.d. |
| 040.01.b.ii. | 040.01.e.ii. |
| 040.01.b.iii. | 040.01.e. |
| 040.01.b.iv. | None |
| 040.01.b.v. | None |
| 040.01.b.vi. | 040.01.f. |
| 040.01.c. | 040.02.f. |
| 040.01.d. | **036. DELAYED PROCESSING.** |
| 040.02. Public Notice Requirement. | 040.02. Public Notice Requirement. |
| 040.02.a. | None |
| 040.02.a.i. | 040.02.a. |
| 040.02.a.ii. | 040.02.b. |
| 040.02.a.iii. | 040.02.b. |
| None | 040.02.c. |
| None | 040.02.d. |
| 040.02.b. | None |
| 040.02.b.i. | None |
| 040.02.b.ii. | None |
| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| 040.02.b.iii. | 040.02.e. |
| 040.02.b.iv. | None |
| 040.02.c. | None |
| 040.02.c.i. | None |
| 040.02.c.ii. | None |
| 040.02.c.ii.(1) | None |
| 040.02.c.ii.(2) | None |
| 040.02.c.ii.(3) | None |
| 040.02.c.iii. | None |
| 040.02.c.iv. | None |
| 040.03. Protests, Intervention, Hearings, and Appeals. | 040.03. Protests, Intervention, Hearings, and Appeals. |
| 040.03.a. | None |
| 040.03.a.i. | 040.03.a. |
| 040.03.a.ii. | 040.03.a. |
| None | 040.03.b. |
| None | 040.03.c. |
| 040.03.a.iii. | 040.03.d. |
| 040.03.b. | 040.03.a. |
| 040.03.c. | 040.01.e.ii. |
| 040.03.d. | 040.01.g. |
| 040.04. Burden of Proof. | 040.04. Burden of Proof. |
| 040.04.a. | 040.04.a. |
| 040.04.b. | 040.04.b. |
| 040.04.b.i. | 040.04.b.i. |
| 040.04.b.ii. | 040.04.b.ii. |
| 040.04.b.iii. | 040.04.b.iii. |
| 040.04.c. | 040.04.c. |
| 040.04.d. | 040.04.d. |
| 040.04.e. | 040.01.e.ii. |
| 040.05. Additional Information Requirements. | 040.05. Additional Information Requirements. |
| 040.05.a. | 040.05.d.040.05.d.i.040.05.d.ii. |
| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| 040.05.b. | 040.05.d.040.05.d.ii. |
| 040.05.c. | 040.05.a.040.05.b.040.05.b.i.040.05.b.ii.040.05.c.040.05.e. |
| 040.05.c.i. | None |
| 040.05.c.ii. | None |
| 040.05.c.iii. | 040.05.e.i. |
| 040.05.d. | None |
| 040.05.d.i. | 040.05.e.ii. |
| 040.05.d.ii. | 040.05.e.iii. |
| 040.05.e. | None |
| 040.05.e.i. | 040.05.e.iv.040.05.e.v. |
| 040.05.e.ii. | 040.05.e.vi. |
| 040.05.f. | None |
| 040.05.f.i. | 040.05.e.vii. |
| 040.05.f.ii. | 040.05.e.viii. |
| 040.05.g. | 040.05.e.ix. |
| None | 040.05.e.x. |
| 040.05.h. | 040.05.f. |
| 040.05.h.i. | 040.05.f.i. |
| 040.05.h.ii. | 040.05.f.ii. |
| 040.05.h.iii. | 040.05.f.iii. |
| 040.05.h.iv. | 040.05.f.iv. |
| 040.05.h.v. | 040.05.h.v. |
| 040.05.h.vi. | 040.05.h.vi. |
| 040.05.h.vii. | 040.05.h.vii. |
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| **041. – 044. (RESERVED)** | **041. – 044. (RESERVED)** |
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| **045. EVALUATION CRITERIA (RULE 45).** | **045. EVALUTION CRITERIA.** |
| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| 045.01. Criteria for Evaluating All Applications to Appropriate Water. | 045.01. Criteria for All Applications to Appropriate Water. |
| 045.01.a. | 045.01.a. |
| 045.01.a.i. | 045.01.a.i. |
| 045.01.a.ii. | 045.01.a.ii. |
| 045.01.a.iii. | 045.01.a.iii. |
| 045.01.a.iv. | 045.01.a.iv. |
| 045.01.a.v. | 045.01.a.iv. |
| 045.01.b. | 045.01.b. |
| 045.01.c. | 045.01.c. |
| 045.01.c.i. | 045.01.c.i. |
| 045.01.c.ii. | 045.01.c.ii. |
| 045.01.c.iii. | 045.01.c.iii. |
| 045.01.d. | 045.01.d. |
| 045.01.d.i. | 045.01.d.i. |
| 045.01.d.ii. | 045.01.d.ii. |
| 045.01.e. | 045.01.e. |
| 045.01.e.i. | 045.01.e.i. |
| 045.01.e.ii. | 045.01.e.ii. |
| 045.01.e.iii. | 045.01.e.iii. |
| None | 045.01.f. |
| None | 045.01.f.i. |
| None | 045.01.f.ii. |
| None | 045.01.f.iii. |
| None | 045.01.g. |
| None | 045.01.g.i. |
| 045.02. Criteria for Evaluating Whether a Proposed Use of Trust Water Will Cause a Significant Reduction. | 045.02. Criteria for Evaluating Whether an Application in the Swan Falls Trust Water Area Will Cause a Significant Reduction. |
| 045.02.a. | 045.02.a. |
| 045.02.b. | 045.02.b. |
| 045.02.b.i. | 045.02.b.i. |
| 045.02.b.ii. | 045.02.b.ii. |
| 045.02.b.iii. | 045.02.b.iii. |
| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| 045.02.c. | 045.02.c. |
| 045.02.c.i. | 045.02.c.i. |
| 045.02.c.ii. | 045.02.c.ii. |
| 045.02.c.iii. | 045.02.c.iii. |
| 045.02.c.iv. | 045.02.c.iv. |
| 045.02.c.v. | 045.02.c.v. |
| 045.02.d. | 045.02.d. |
| 045.02.e. | 045.02.e. |
| 045.03. Criteria for Evaluating Public Interest. | 045.03. Criteria for Evaluating Public Interest under Section 42-203C(2), Idaho Code. |
| 045.03.a. | 045.03.a. |
| 045.03.a.i. | 045.03.a.i. |
| 045.03.a.ii. | 045.03.a.ii. |
| 045.03.a.iii. | 045.03.a.iii. |
| 045.03.a.iv. | 045.03.a.iv. |
| 045.03.b. | 045.03.b. |
| 045.03.b.i. | 045.03.b.i. |
| 045.03.b.ii. | 045.03.b.ii. |
| 045.03.c. | 045.03.c. |
| 045.03.d | 045.03.c. |
| 045.03.e. | 045.03.c. |
| 045.03.e.i. | 045.03.c.i. |
| 045.03.e.ii | 045.03.c.ii. |
| 045.03.e.iii. | 045.03.c.iii. |
| 045.03.f. | 045.03.d. |
| 045.03.f.i. | 045.03.d.i. |
| 045.03.f.ii. | 045.03.d.ii. |
| 045.03.f.iii. | 045.03.d.iii. |
| 045.03.f.iv. | 045.03.d.iv. |
| 045.03.f.v. | 045.03.f.v. |
| 045.03.f.vi. | 045.03.f.vi. |
| 045.03.f.vii. | 045.03.f.vii. |
| 045.03.g. | 045.03.e. |
| 045.03.g.i. | 045.03.e.i. |
| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| 045.03.g.ii. | 045.03.e.ii. |
| 045.03.g.iii. | 045.03.e.iii. |
| 045.03.g.iv. | 045.03.e.iv. |
| 045.03.h. | 045.03.f. |
| 045.03.i. | 045.03.g. |
| 045.03.j. | 045.03.h. |
| 045.03.k. | 045.03.i. |
| 045.03.l. | 045.03.j. |
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| **046. – 049. (RESERVED)** | **046. – 049. (RESERVED)** |
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| **050. CONDITIONS OF APPROVAL (RULE 50).** | **050. CONDITIONS OF APPROVAL.** |
| 050.01. Issuance of Permits with Conditions. | 050.01. Issuance of Permits with Conditions. |
| 050.02. Requirements to Mitigate Impact of Flow Depletion. | 050.01. Issuance of Permits with Conditions. |
| 050.03. Applications and Existing Permits That Are Junior and Subordinate. | 050.01. Issuance of Permits with Conditions. |
| 050.04. Permanent Flow Measuring Device Requirement. | 050.01. Issuance of Permits with Conditions. |
| 050.05. Well Spacing and Well Construction Requirements. | 050.01. Issuance of Permits with Conditions. |
| 050.06. Reprocessed Permits. | None |
| 050.07. Voiding Approval of Permit. | 050.01. Issuance of Permits with Conditions. |
| 050.08. Retention of Jurisdiction. | None |
| 050.09. Insuring Minimum Stream Flows and Prior Rights. | 050.01. Issuance of Permits with Conditions. |
| 050.10. Insuring Compliance with Water Quality Standards. | 050.01. Issuance of Permits with Conditions. |
| 050.11. Insuring Assignment of Interest. | 050.01. Issuance of Permits with Conditions. |
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| **051. – 054. (RESERVED)** | **051. – 054. (RESERVED)** |
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| **055. MORATORIUM (RULE 55).** | **055.MORATORIUM.** |
| 055.01. Applications for Permit. | 055.01. Applications or Undeveloped Permits. |
| 055.01.a. | 055.01.a. |
| 055.01.a.i. | 055.01.a.i. |
| 055.01.a.ii. | 055.01.a.ii. |
| 055.01.a.iii. | 055.01.a.iii. |
| 055.01.b. | 055.01.b. |
| 055.01.b.i. | 055.01.b.i. |
| 055.01.b.ii. | 055.01.b.ii. |
| **Existing Rule** | **Preliminary Draft (“Strawman”) Rule** |
| 055.01.c. | 055.01.c. |
| 055.02. Permits. | 055.01. Applications or Undeveloped Permits. |
| 055.02.a. | 055.01.a. |
| 055.02.b. | 055.01.b. |
| 055.02.b.i. | 055.01.b.i. |
| 055.02.b.ii. | 055.01.b.ii. |
| 055.02.c. | 055.01.c. |
|  |  |
| **056. – 999. (RESERVED)** | **056. – 999. (RESERVED)** |