



SECOND-HALF SAVE

Two nationally-ranked sides but only one winner 1B



Mitt Romney tries to stay step ahead of Rick Perry on Colorado tour 2A

United Methodist to begin ministry 8A

THE Durango HERALD

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Did gas industry win water ruling?

State's exemption rules upheld, but not for most of S.W. Colorado

BY JOE HANEL
HERALD STAFF WRITER

A judge has upheld the state's rules that exempt some gas and oil wells from stricter regulation of their water use, but the ruling contains one notable exception.

It's an exception that just happens to involve most of the gas wells being drilled in Southwest Colorado.

Judge James Hartmann of the water court in Greeley ruled in favor of State Engineer Dick Wolfe, who adopted rules in 2010 that allowed his office to avoid detailed regulation of the water use by many of the 40,000 gas and oil wells in Colorado.

However, he threw out the portion of the rules that covers the Southern Ute Indian Reservation, where most of the region's gas

drilling occurs.

The debate began six years ago, when two Southwest Colorado ranching families – Bill and Elizabeth Vance, and James and Mary Fitzgerald – sued the state engineer's office for not regulating water use by nearby coalbed methane wells. The ranchers worried that gas drilling – which uses a lot of water – could deplete the springs they rely on to keep their land irrigated.

The state Supreme Court ruled for the ranchers. In a decision that became known as the Vance case, the high court declared that

water extraction during gas drilling constituted a beneficial use of water and required the companies to get water well permits.

Until the Vance ruling, the industry and state regulators had treated the water as a waste product that did not need to be regulated under Colorado's complicated set of water laws.

Fearing a deluge of 40,000 well permit applications, the Legislature gave the state engineer the authority to decide which gas wells are so deep they will not hurt other people's water rights, and which ones need stricter

scrutiny, including plans to replace the water they use.

The Vances, Fitzgeralds and many others sued again, but on Thursday, the judge upheld most of the rules Wolfe adopted.

"For the most part, I think it was a good ruling for the state," said First Assistant Attorney General John Cyran, who defended the state engineer's office in the lawsuit.

But the plaintiffs also are happy about the ruling because of one paragraph near the end.

See **WATER, 10A**

A powerful piece of history



JERRY MCBRIDE/Durango Herald photos

Two of the three original generating units at Tacoma are operating today. The third original unit blew up in 1949 and was replaced. There is room for a fourth if necessary.

Tacoma hydroelectric plant producing green energy for 100-plus years

BY DALE RODEBAUGH
HERALD STAFF WRITER

The hydroelectric plant built here along the banks of the Animas River in 1905 by the predecessor of Xcel Energy is the most prominent reminder of a community that was alive with miners, railroad workers and hydroelectric plant employees early in the 20th century.

Nowadays, Xcel maintenance workers would have the place to themselves except for several hundred sightseers who visit each year via the Durango & Silverton Narrow Gauge Rail-

road, which is the sole access. The guests include Fort Lewis College engineering students, school kids and Rail Fest tourists.

Xcel has its own track cars and travel times on the railroad schedule.

Tacoma power plant got its name through a case of mistaken identity, as it were. It was supposed to be called Rockwood after the next whistle stop south on the D&SNG line. But generators that were too small for a hydroelectric plant in Tacoma, Wash., ended up here. The "Tacoma" on the packing crates stuck.



Water flows into the Animas River after turning the turbines to start the process of creating power in the Tacoma plant. More photos online at www.durangoherald.com.

See **TACOMA, 10A**

West Nile strikes two

Cases reported in La Plata and Archuleta counties

BY DALE RODEBAUGH
HERALD STAFF WRITER

The San Juan Basin Health Department on Friday reported that a 72-year-old man in La Plata County tested positive for West Nile virus.

The agency said a 33-year-old woman in Archuleta County also had contracted the illness.

Each was treated by a doctor and is recovering at home.

Four other cases of West Nile have been reported in Colorado this year, the department said. Last year, 81 cases were reported statewide, two in La Plata County. No cases were reported in Archuleta County last year.

"There's no known reason for the disparity between the number of cases this year and last," Helen Joline, a communicable-disease nurse at San Juan Basin Health Department, said Friday. "It could depend on mosquito control or maybe people are being more careful."

Mosquitoes can contract West Nile when they bite birds, mainly members of the corvid family, which includes crows, ravens, magpies and jays, Joline said.

West Nile is caused by a virus. Common symptoms are a fever, achy head or body, a rash or swollen lymph glands. In severe cases, sleepiness, convulsions and paralysis can occur.

There is no specific treatment or antidote for West Nile and there is no vaccine. In severe cases, anti-inflammatory medications and intravenous fluids are used.

Because West Nile can occur into October, the health department urged residents to take precautions such as eliminating places where mosquitoes can hatch and protecting family members against mosquito bites.

The health department recommends using a repellent effective against West Nile, keeping skin covered, draining standing water and installing or repairing door and window screens.

New Yorkers ignore new al-Qaida terror threat

Extra security now in place in N.Y. and D.C.

BY EILEEN SULLIVAN
ASSOCIATED PRESS

WASHINGTON – Undaunted by talk of a new terror threat,

New Yorkers and Washingtonians wove among police armed with assault rifles and waited with varying degrees of patience at security checkpoints Friday while officials

INSIDE

NEED TO KNOW: What's the intel? 6A

scrambled to nail down information about a possible al-Qaida strike timed to coincide with the 10th anniversary of Sept. 11.

Counterterrorism officials have been working around the clock to determine whether the threat is accurate, and extra security was put in place to protect the people in the two cities that took the brunt

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IN TOMORROW'S PAPER

Sept. 11 created new traditions and had major effects on Durango schools

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