

Attorney general: Most rivers open to public

BY NIKI SULLIVAN
THE ASSOCIATED PRESS

SALEM — Most of Oregon's river beds and banks are state property and can be used by anglers and boaters under common law rights, Attorney General Hardy Myers said Thursday.

The opinion was requested by the state Land Board, which for years has been grappling with the issue of whether individual rivers are state property and therefore open for public use.

Myers said most river beds and banks to the normal high water mark are state property and are open to public use, and he set out the type of rivers to which the opinion applies.

Later on Thursday, Senate Democratic and Republican leaders said

they were backing a bill to put those rights into state law. Their proposal also would charge boaters a registration fee to help fund law enforcement on the rivers, among other things.

Both the attorney general's opinion and the Senate bill are in response to individual navigability studies on rivers across the state to determine whether the public has a right to use the banks and beds.

The most recent study was for the John Day River, and six others are pending, but the opinion and bill provide a way to avoid most reasons for conducting the studies by applying a statewide standard.

In addition to setting standards for what types of waterways are open for public use, the opinion deals with

whether the public can use lands over which the state has not yet claimed ownership and what uses the public can make of waterways.

The attorney general's opinion was praised by members of the Land Board, which consists of Gov. Ted Kulongoski, Secretary of State Bill Bradbury and State Treasurer Randall Edwards.

Bradbury said the opinion "does a tremendous service for the people of Oregon by clarifying the public's right to use Oregon's waterways."

Edwards agreed, saying the state has neglected resolving state ownership questions and that the proposed legislation would help balance the rights of property owners and the public.

The opinion does not, however,

identify eligible rivers by name. The Department of State Lands said that means that citizens take the chance they are trespassing if a waterway has not yet been determined to be state property.

Senate Majority Leader Kate Brown, D-Portland, and Senate Minority Leader Ted Ferrioli, R-John Day, said their bill will clear up the law and make sure both upland property owners and those visiting the river understand the rules.

Ferrioli said at the heart of the bill was "a lot of practical solutions and clarifications that people will need, even with the attorney general's most recent opinion."

Brown said it was important to set a statewide standard instead of river-by-river navigability studies. The bill

would also put into writing what the attorney general says exists under common law and public use doctrine, she said.

The confusion over river ownership started when Oregon became a state and was given ownership of all navigable rivers at the time.

But many of the rivers were never officially declared navigable — and therefore state property — which has caused friction between recreational groups and landowners.

The Association of Northwest Steelheaders was glad to see the attorney general's opinion.

"The opinion substantiates what we have always known — the public has a right to the use of Oregon's waterways," the association said in a statement.

Oregon medical students get a shot at working in rural areas

BY LEANNE JOSEPHSON
THE DAILY ASTORIAN

ASTORIA — The last patient of the morning was Olivia Rilat, a blond-haired 2-year-old who sat quietly on her mom's lap sucking a pacifier. Olivia had been sick for three or four days, and her mom wanted to make sure it wasn't anything serious.

Dr. Kate Merrill stood in the hallway while Chloe Allen Maycock, a third-year medical student, asked about Olivia's wet diapers and how much liquid she had been drinking. She looked in Olivia's ears and pressed a stethoscope to her back.

Maycock is in the middle of a rural clerkship, an Oregon Health & Science University requirement that introduces future doctors to rural practice and encourages them to consider providing medical care in an underserved area after they finish their residencies.

"What have you got?" Merrill asked as Maycock shut the examining room door.

"Sick since Saturday or Sunday," Maycock said. "She's been throwing up and has diarrhea. She ate some bread yesterday. Subjective fevers at home, maybe 100. Has had sick exposures."

"What's your sense of what's going on?"

"She has the flu, or some kind of gastroenteritis. My main concern is dehydration."

"We've been seeing that go around recently."

They both headed into the room, where Merrill confirmed the diagnosis.

"I agree with you Chloe, she looks pretty good," Merrill said. "We usually let it run its course. Let's keep an

eye on her and see how it goes."

Not all physicians can work in Portland — at least not if rural Oregon residents want access to quality medical care.

The problem is recruiting them to Astoria when the big cities offer higher salaries, access to a network of specialized doctors, better jobs for physicians' spouses and even something as ordinary as weekend shopping.

In 2004, the Portland area had 302 physicians per 100,000 people, while coastal counties had only 104 physicians per 100,000, according to the OHSU Center for Rural Health.

For the past 12 years, OHSU has tried to combat that trend by requiring the rural health clerkship. While the program has been in place more than a decade, this is only the second time an OHSU medical student has been sent to Astoria to experience rural practice.

Before, doctors there were unwilling to take on medical students through this program, said Patty Petersen, assistant director for Area Health Education Centers program office, which partners with OHSU to coordinate the rural clerkships.

"We're hoping it becomes a regular site for students to go to," Petersen said.

Merrill has already offered to provide six clerkships at Pacific Family Medicine to medical students this year.

Medical students who have worked only in Portland will notice some major differences when they try out Eastern Oregon or the coast, Merrill said.

"It can be isolating," she said.

"You have to do a lot of things on your own without immediate specialty access."

Maycock has already found that it can be difficult to line up care for patients.

"Our proximity to resources can be an issue if patients aren't able to drive," she said.

Rural practice presents its own learning experiences. Maycock said she has gotten a better idea of the continuity of care from home to office to hospital and has learned more about how specialists work together.

And rural clerkships allow students to be "real" doctors for a while.

"When they come back they're happy because they got to be a doctor, whereas here, they don't always get to put their hands on their patients," Petersen said.

At Merrill's office, Maycock has been involved in nearly all aspects of the practice. The student and doctor begin each day by checking on patients in the hospital. Then they plan which patients Maycock will see. She assesses those patients alone, then discusses her findings with Merrill before the two of them talk to the patient together.

"When you're actually seeing patients and think about what their problems are and what processes are going on in their body, it connects the knowledge," Maycock said.

While rural practice is new to Maycock, rural living is not. Maycock, 30, is a fourth-generation Astoria resident.

"There's something about seeing patients who are part of the community that has brought you up," she said.

Jury convicts man of hiring hitman after grave robbing

BY JEFF BARNARD
THE ASSOCIATED PRESS

MEDFORD — Former Grants Pass insurance agent Jack Lee Harelson was convicted Thursday of trying to hire a hitman to kill a former business partner he believed turned him in for robbing ancient Indian graves.

A Jackson County jury found Harelson guilty of conspiracy to commit aggravated murder, attempted aggravated murder and solicitation of murder involving a plot to kill Lloyd Olds of Brookings, Harelson's partner in a Nevada opal mine. He was sentenced to 10 years in prison.

The jury acquitted Harelson on a fourth count alleging he tried to solicit the murder of State Police Lt. Walt Markee.

The jury deliberated less than an hour before reaching the verdict.

Harelson was convicted in 1996 of stealing artifacts and the mummified remains of two Indian children from a cave in Nevada's Black Rock Desert.

In the course of a later investigation into whether Harelson was still dealing in stolen artifacts, authorities learned through an undercover informant that Harelson was interested in hiring a hitman to kill people involved in his conviction.

Last October, a Jackson County jury acquitted Harelson on two counts against him but deadlocked

on four other charges. That jury found him guilty of being a felon in possession of a firearm.

Harelson was accused of trying to hire someone to kill retired Josephine County Circuit Judge Loyd O'Neal, Markee, and opal mine partners Olds and the late Richard Ledger, also of Brookings. The four were involved in Harelson's 1996 conviction for stealing ancient Indian artifacts.

The jury in October deadlocked on charges of conspiracy to commit aggravated murder, attempted aggravated murder and the two counts of solicitation to murder naming Markee and Olds.

The acquittals came on the two solicitation to murder counts naming O'Neal and Ledger.

In closing arguments Thursday, prosecutor Tim Barnack told jurors that tape recordings by an undercover informant show Harelson wanted the two men dead and paid for it with opals.

But defense attorney Bob Abel countered that Harelson was entrapped by police who set up a phony hit man scheme and that his client never intended to go through with it.

Abel noted that the tape recorder used by the informant failed to work during a final meeting, when Harelson was shown a picture of his business partner pretending to lie dead in a shallow grave.

German Auto Service MERCEDES | BMW | VOLKSWAGEN | AUDI

"40 years of Quality Service"

342-2912 | 2025 Franklin Blvd. | Eugene, Oregon, 97402



CAMPUS PIZZA

FREE SAMPLES 11-2

884 East 13th Ave
Eugene, OR 97401
(541) 343-PIZA (7492)
Open 10:00 am - 8:00 pm
Across the street from the bookstore

LARGE SLICE PIZZA (CHEESE)	\$1.99
(PEPPERONI)	\$1.99
16 OUNCE DRINK	\$0.99
MILKSHAKE, PIZZA PARTY, COFFEE AND CAKE, BURRITO, LARGE PIZZA PRETZELS,	
WHOLE PIZZA (CHEESE OR PEPPERONI)	\$9.99

BACKSTAGE
DANCEWEAR ♦ THEATRICAL

Annual April Shoe Sale!
4/21/05 thru 4/30/05

25% Off All Shoes
Plus!
25% to 50% Off Selected Dancewear!

Biggest sale of the year!

Store Hours: Monday-Friday 10:00am-5:30pm
Saturday 11:00-5:00pm
686-2671 • 380 W. 3rd • Eugene Planning District



OREGON DAILY EMERALD
CLASSIFIEDS

Find fun stuff in the ODE Classifieds: Comics, your daily horoscope, and, of course, the crossword.