

Kuhn
vs
Deschutes County Assessor Scot Langton

MD-150093D Ex# 25 - 27 ~Pgs# ___

Photos

25 Photos 20001022-20020000 of assault & harassment with lights
etc 11 pgs

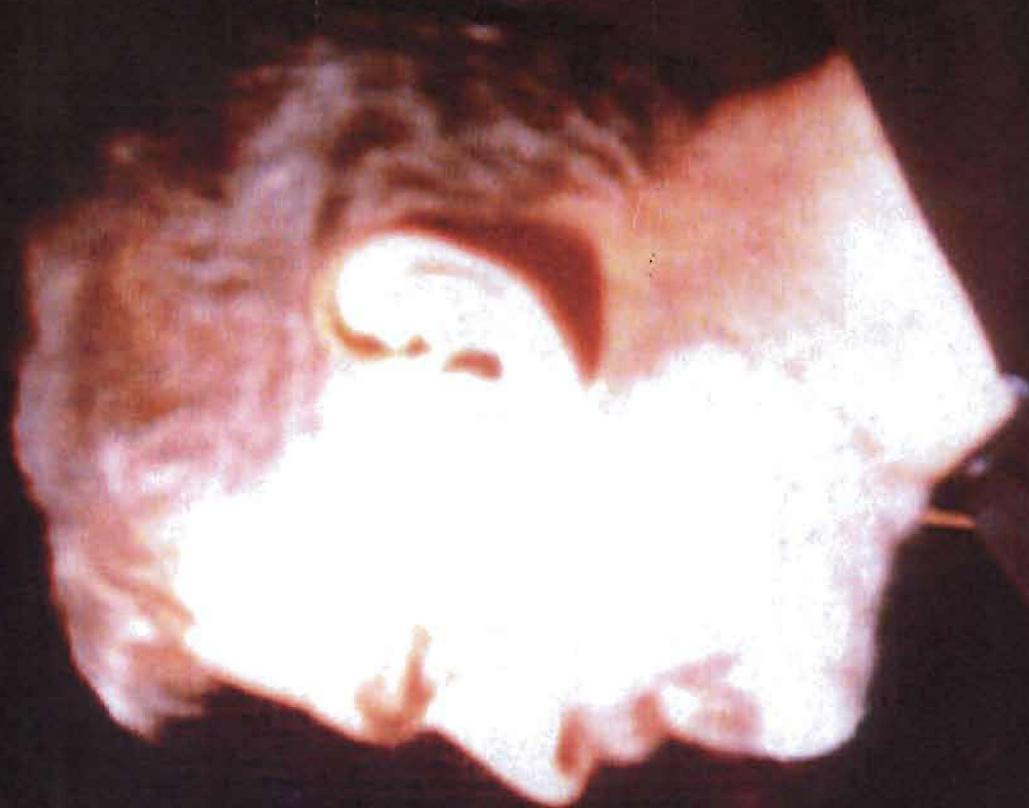
26 Photos after Pipe bomb explosion 12 pgs

27 2005 - 2008 the fire bug or was he a pyromaniac 32 pgs

2 - 3 November 2015

MD-150093D Ex# 25 Pg# 1





MD-150093D Ex# 25 Pg# 2



MD-150093D Ex# 25 Pch# 4



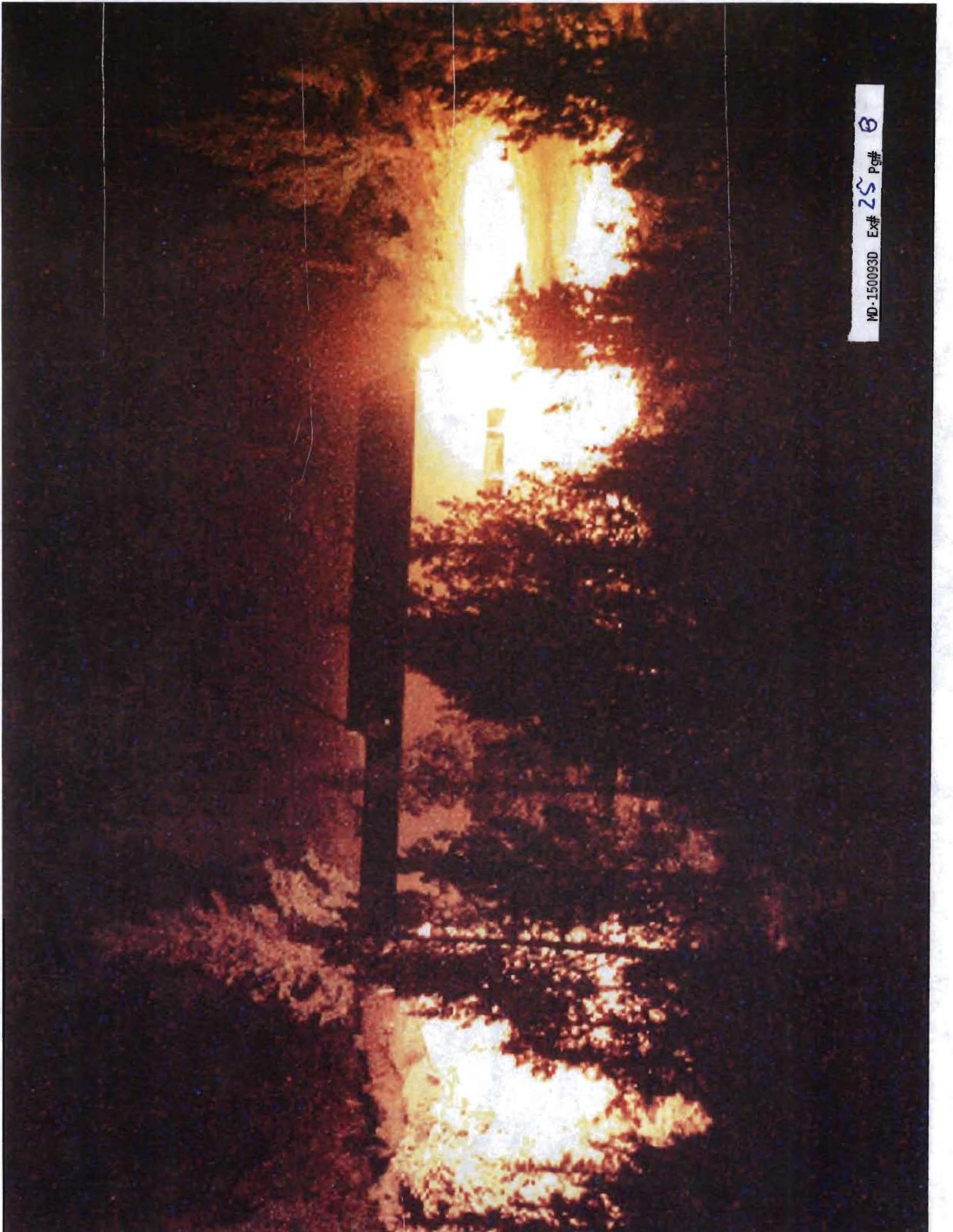
MD-1500930 Ex# 25 Pg# 5

MD-150093D Ex# 28 Pg# 6

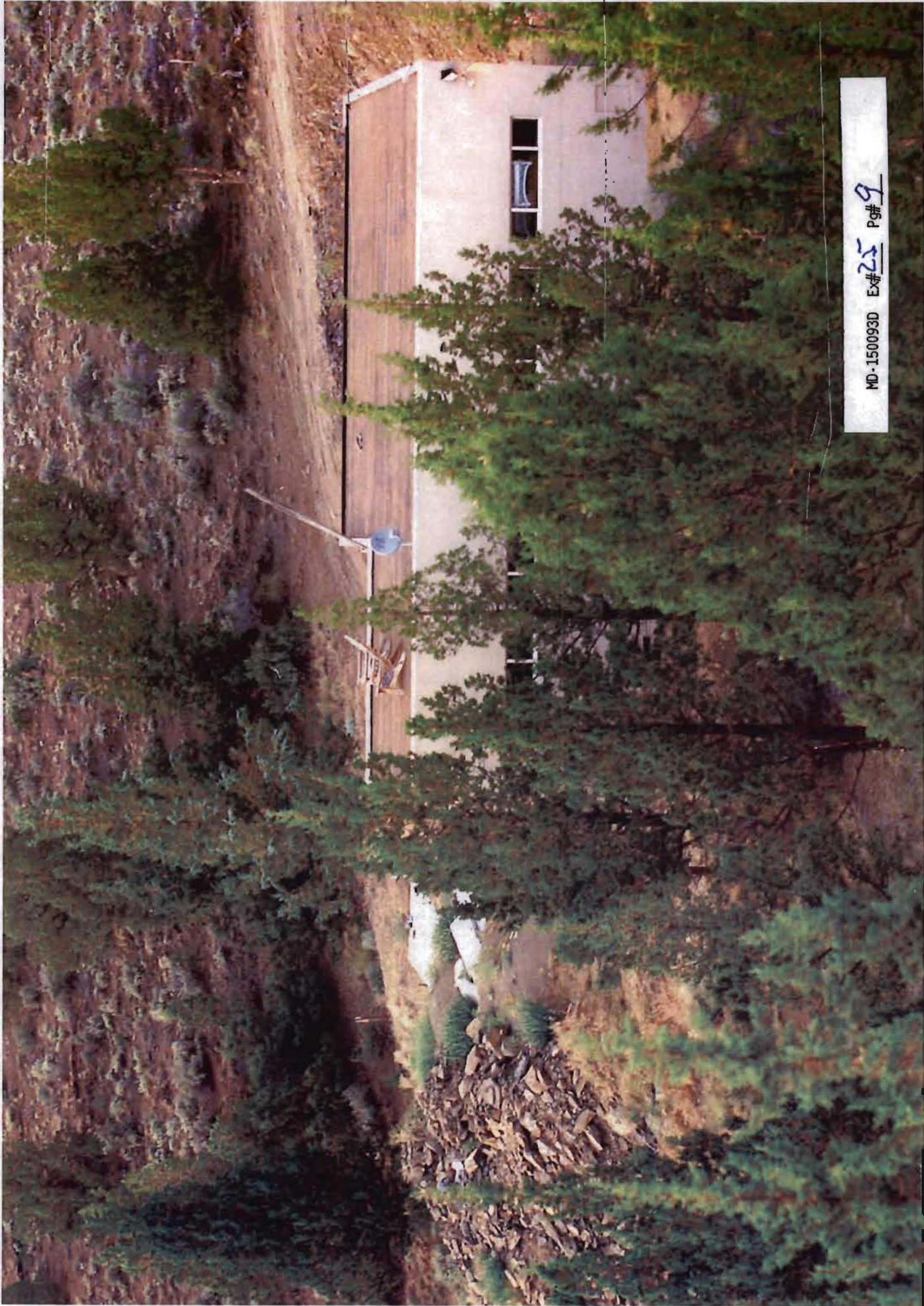




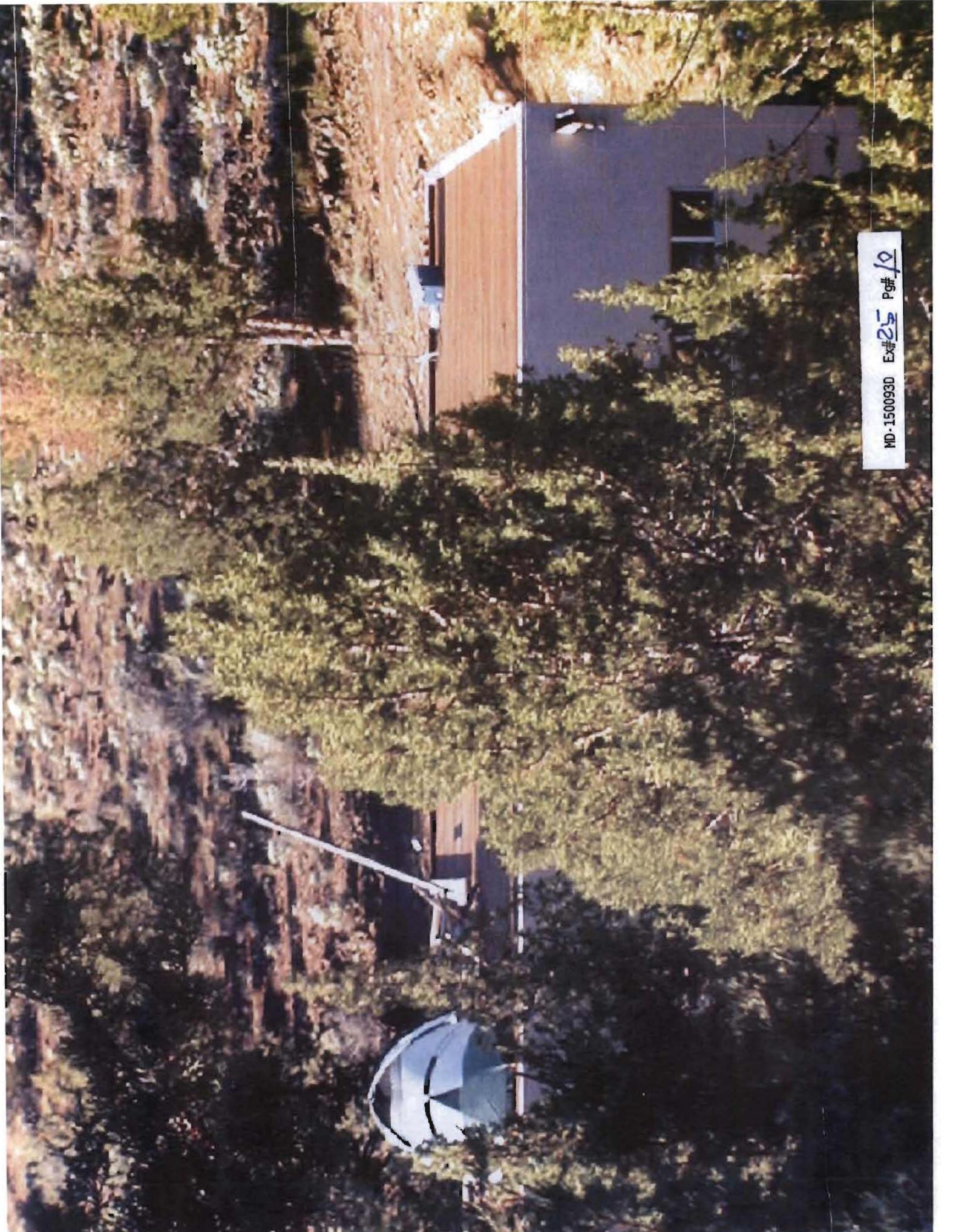
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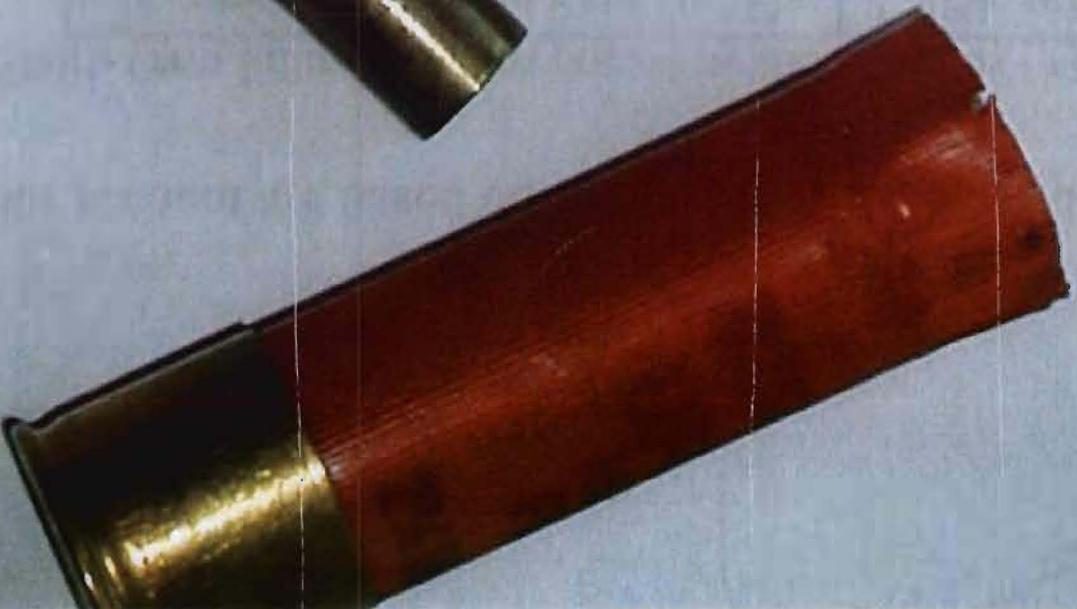
MD-15003D Ex# ZS Pgh B



MD-150093D Ex# 25 Pg# 9



MD-1500930 Ex# 25 Pg# 10



MD-150093D Ex# 25 Pg# 11

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2 - 3 November 2015



Shoe
PRINTS
MATCH
SIZE, width,
length of
A casting
taken while
we were
building of
whomever
it was
who broke
IN & stole
bicycles



Kuhn
vs
Deschutes County Assessor Scot Langton

MD-150093D Ex# 25 - 27 ~Pg# 59

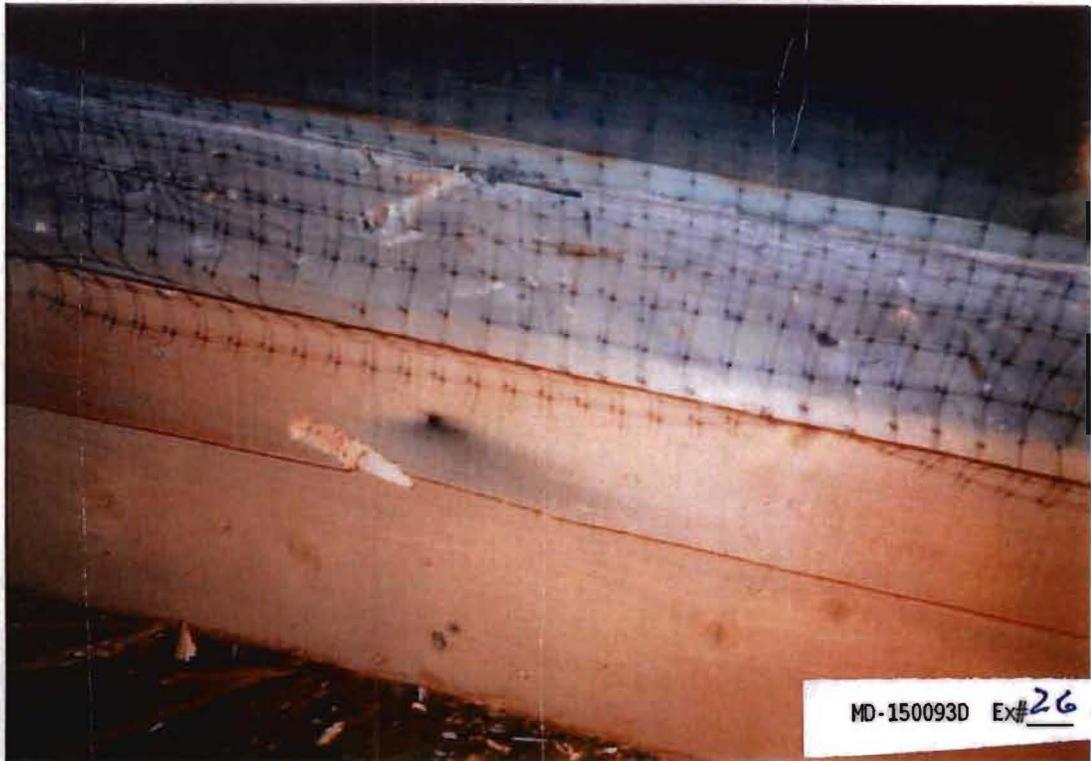
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2 - 3 November 2015









MD-150093D Ex# 26 Pg# 6

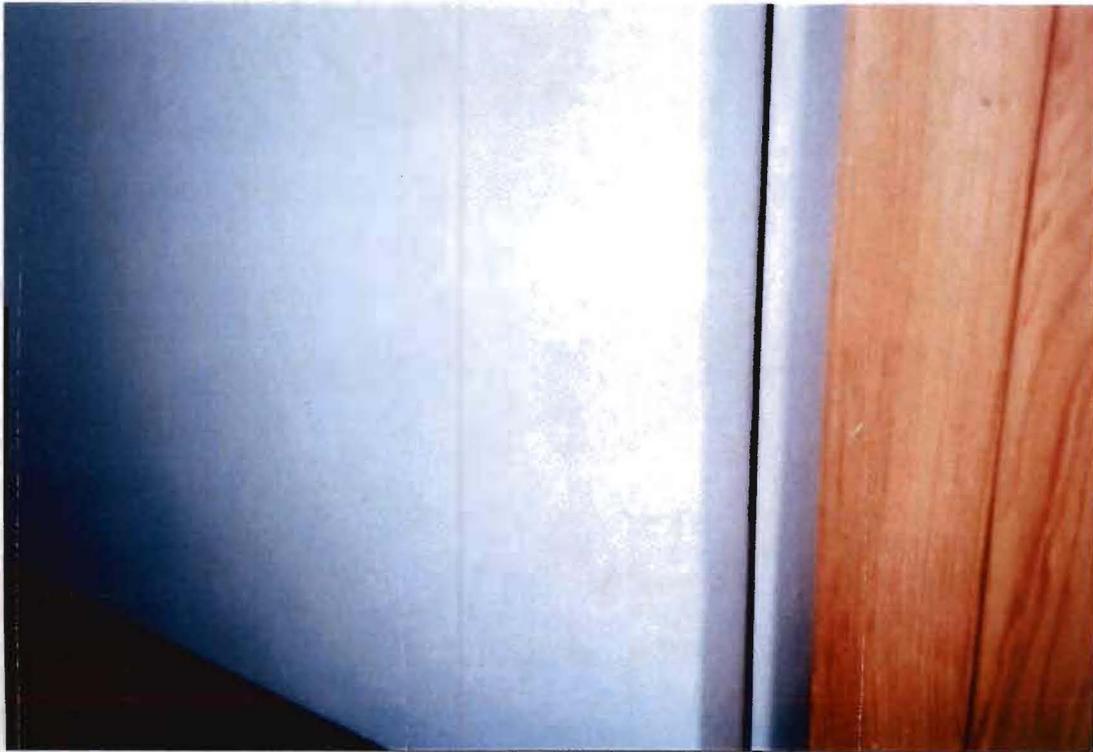




Buck shot



TIRE PRINT



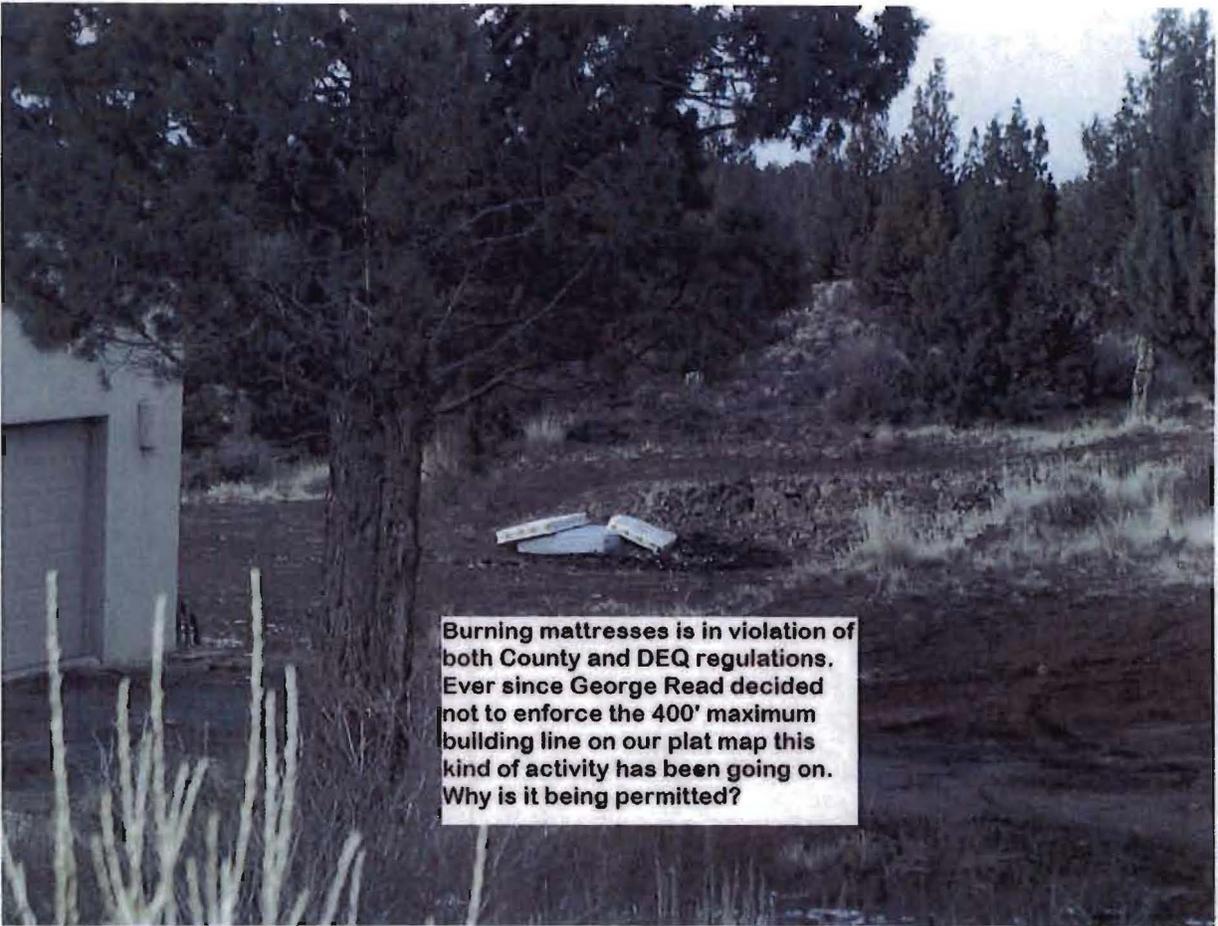




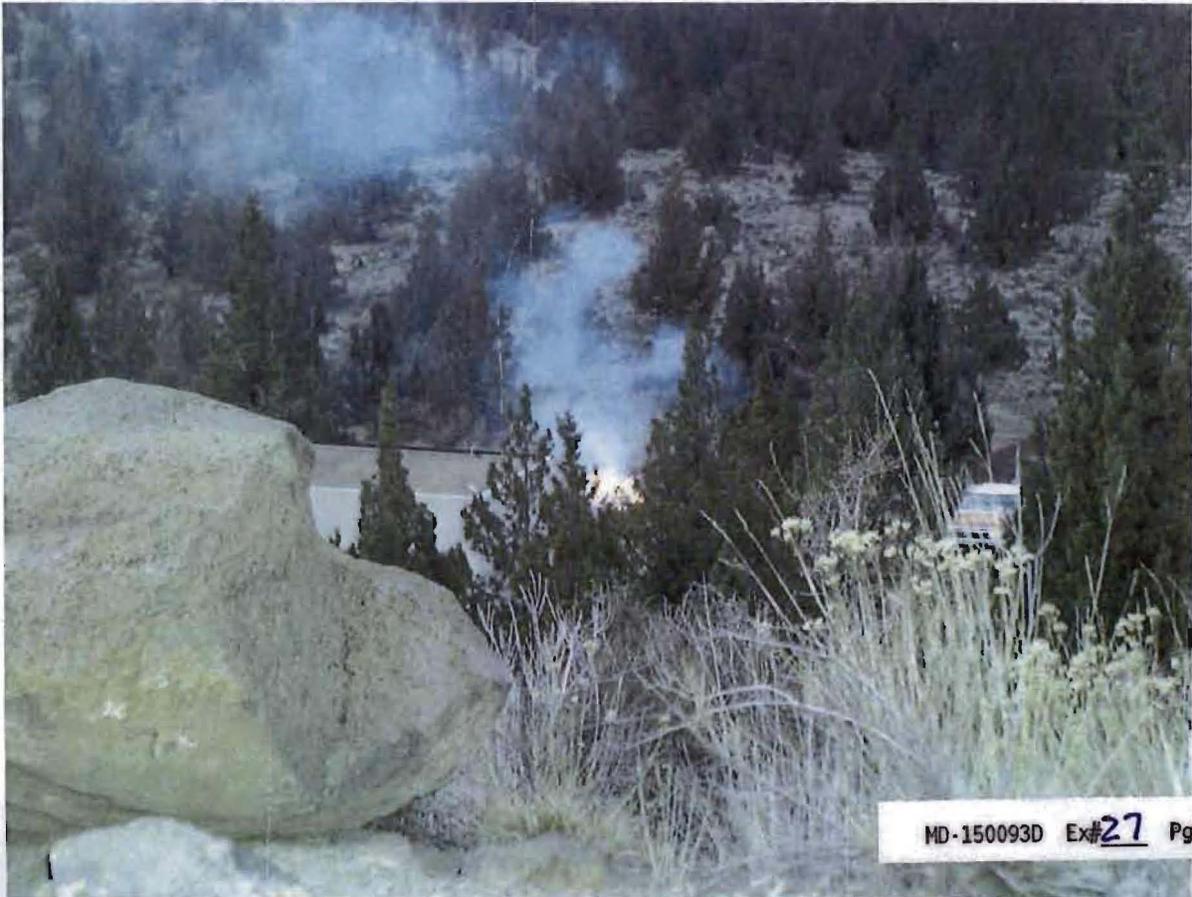
MD-150093D Ex# 26 Pg# 11







Burning mattresses is in violation of both County and DEQ regulations. Ever since George Read decided not to enforce the 400' maximum building line on our plat map this kind of activity has been going on. Why is it being permitted?



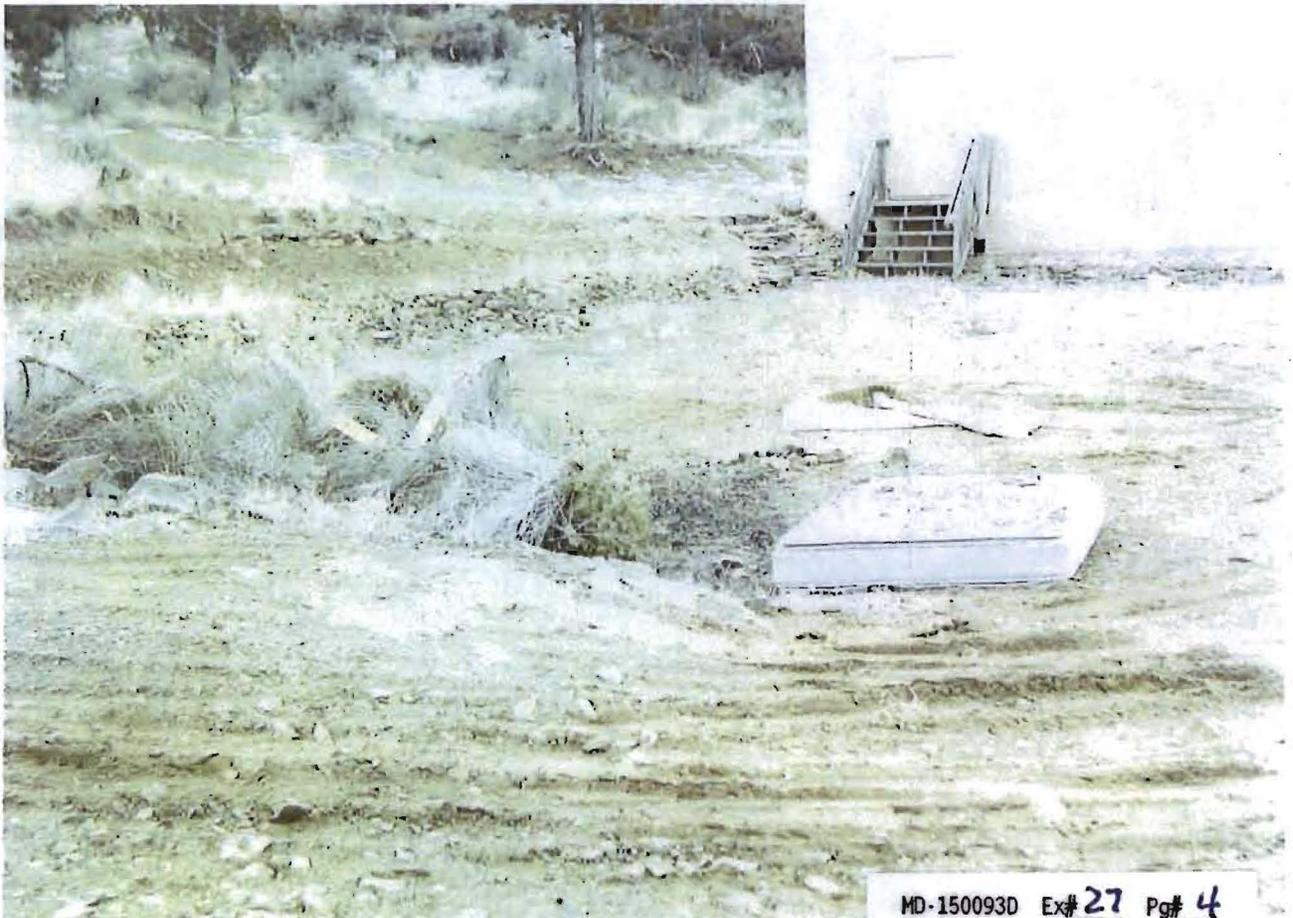
MD-150093D Ex# 27 Pg# 1

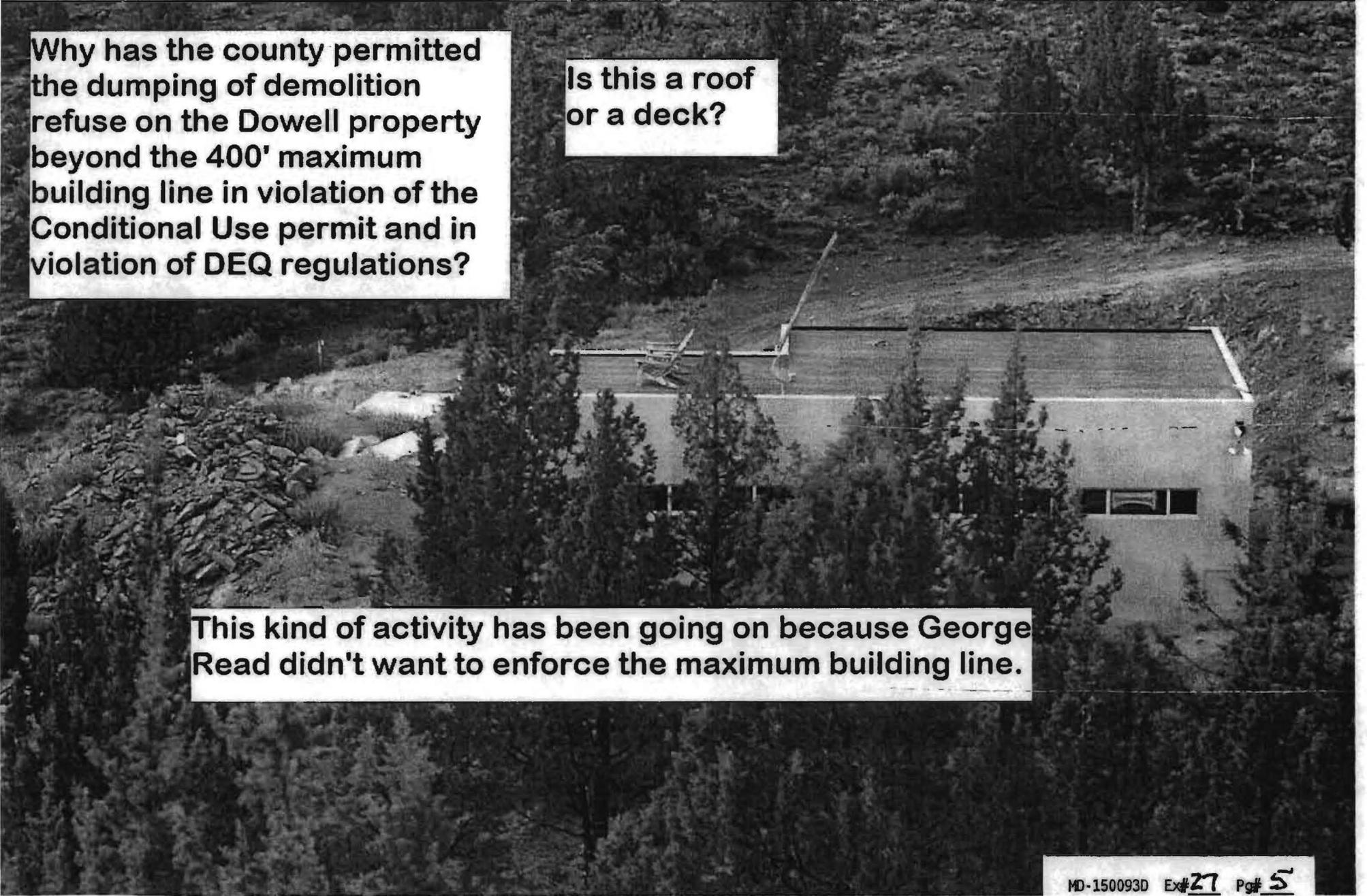




Fire set by Steve Carnovan
This is BLM Property just
north of 65595 Sisemore Rd
Tax Lot 16 11 19 0000 100







Why has the county permitted the dumping of demolition refuse on the Dowell property beyond the 400' maximum building line in violation of the Conditional Use permit and in violation of DEQ regulations?

Is this a roof or a deck?

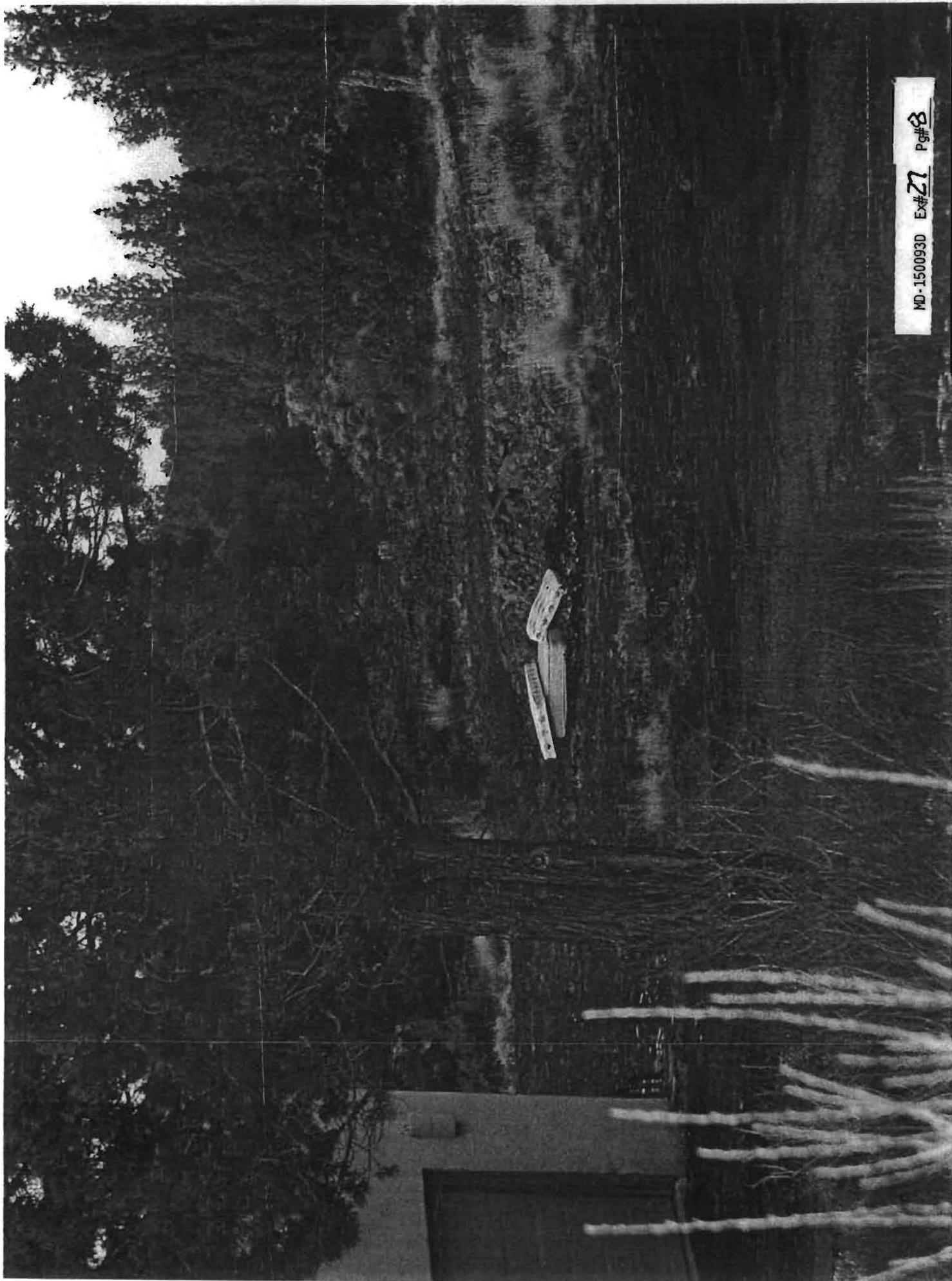
This kind of activity has been going on because George Read didn't want to enforce the maximum building line.





MD-150093D Exp# 27 Page 7

20061046



MD-150093D Ex# 27 Pg# 8



MD-150093D Ex# 27 Pg# 9

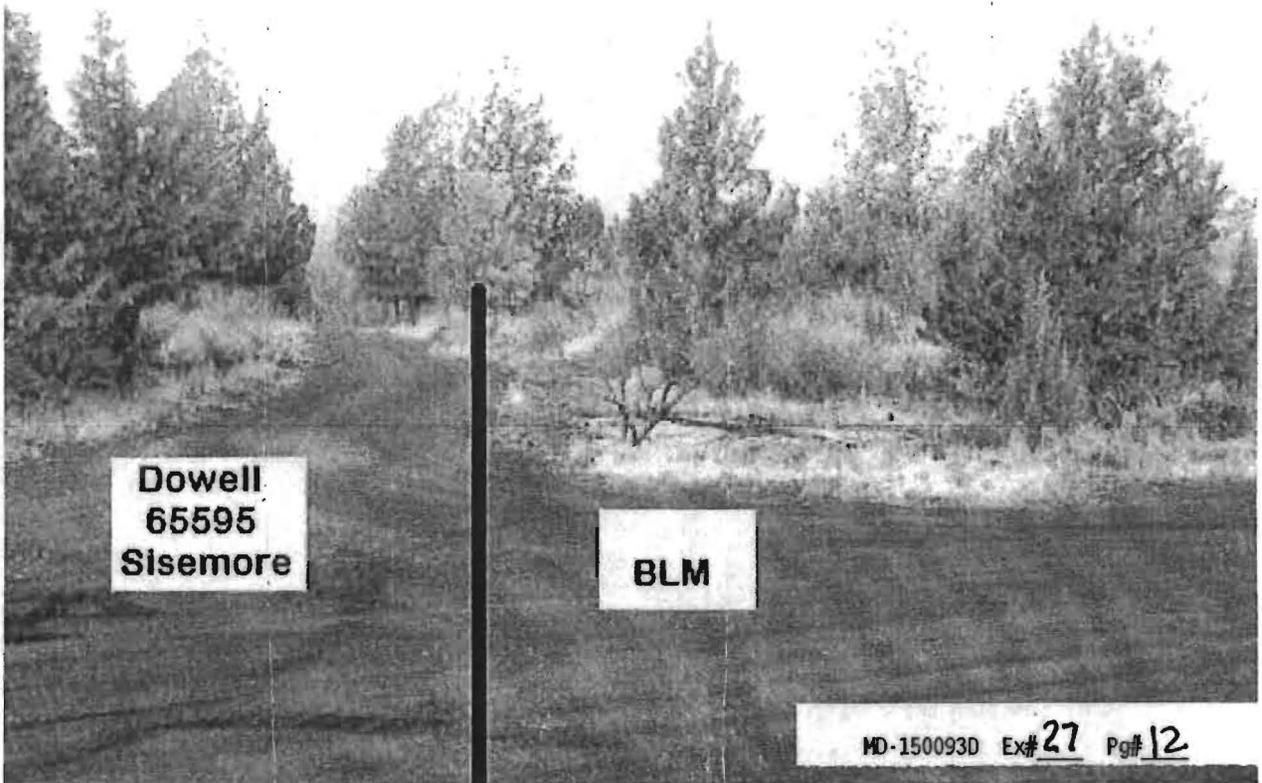
This rock is covering and masking tons of demolition refuse brought in and dumped beyond the 400' maximum building line.

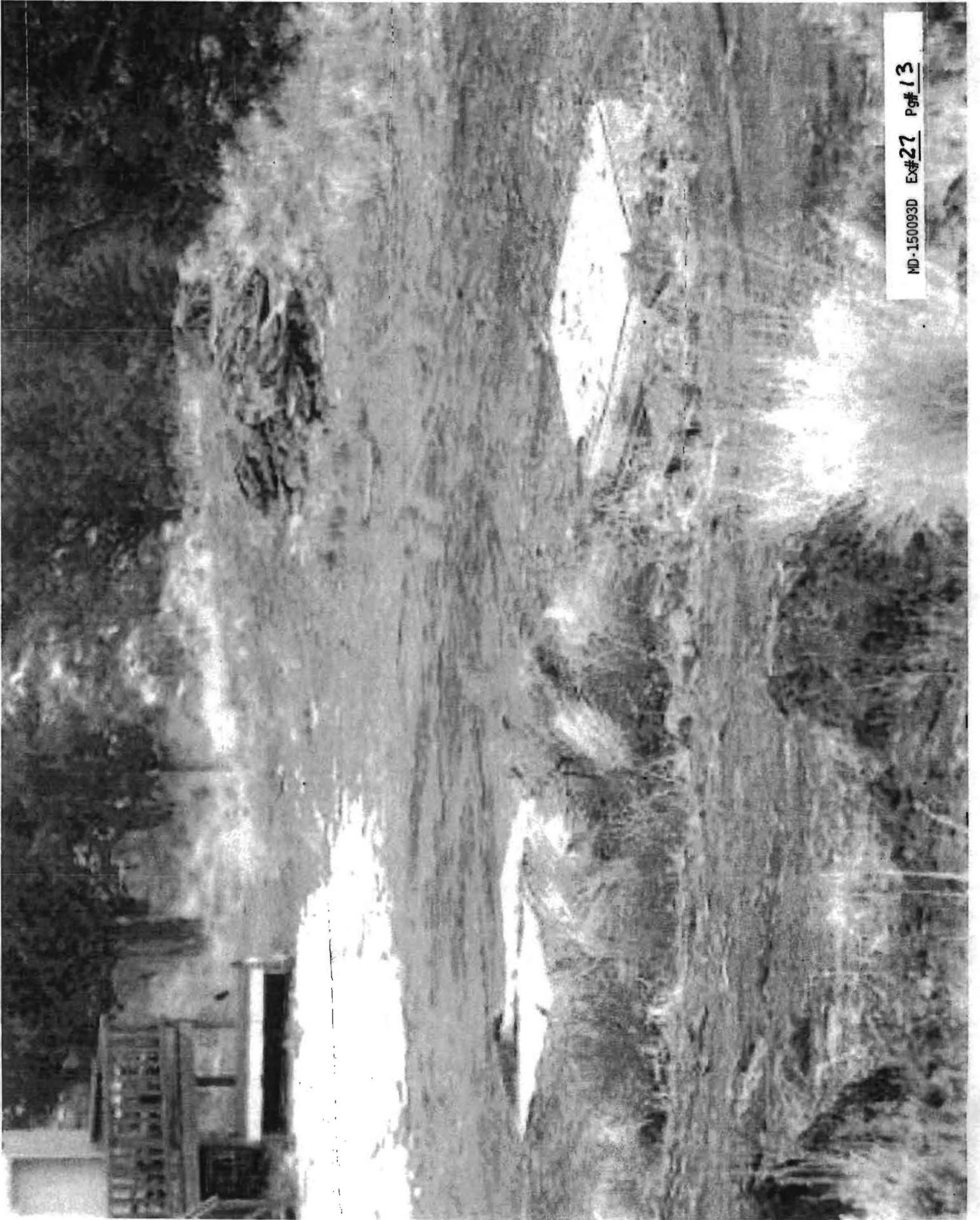




**Fire set by Steve Carnovan
This is BLM Property just
north of 65595 Sisemore Rd
Tax Lot 16 11 19 0000 100**

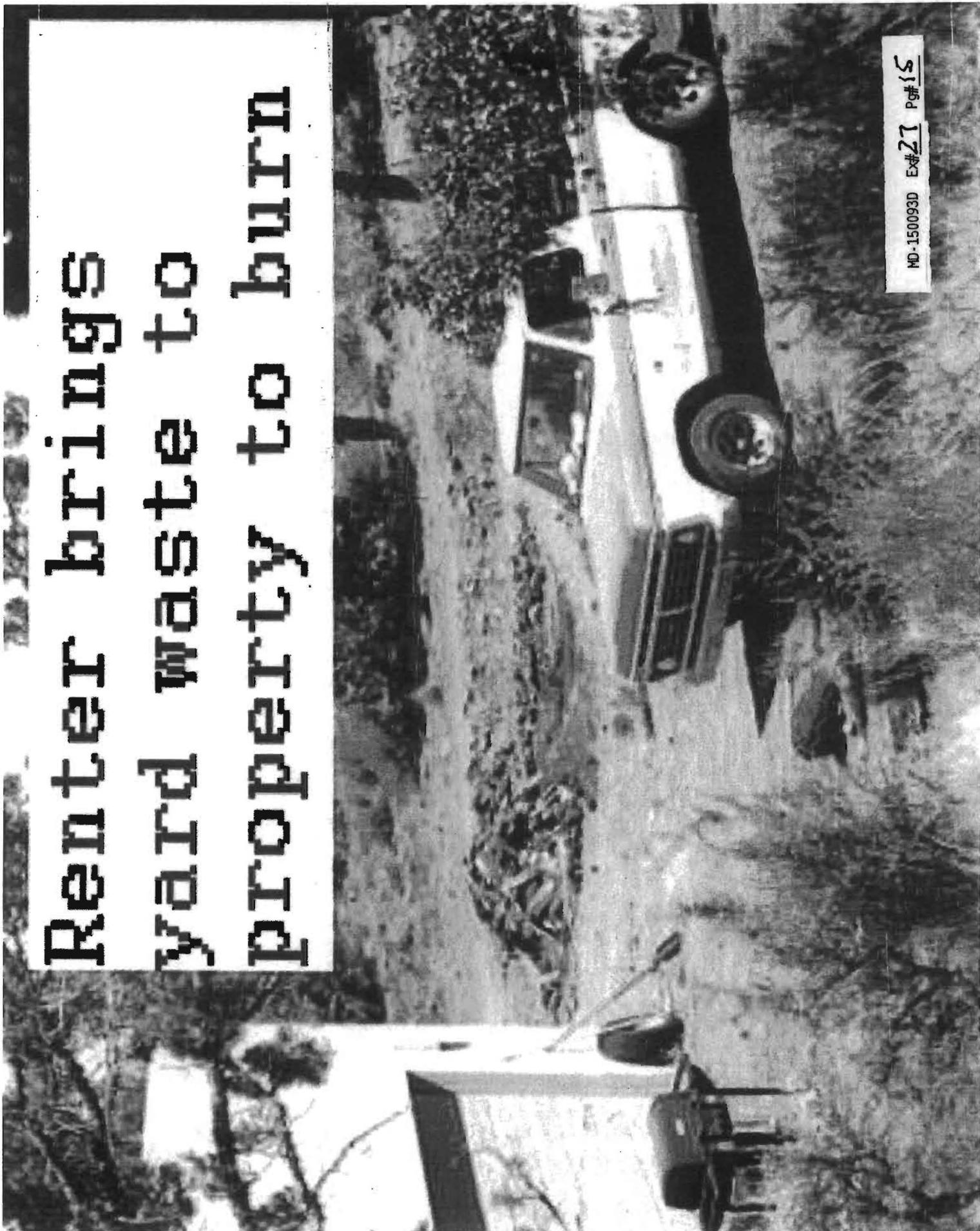




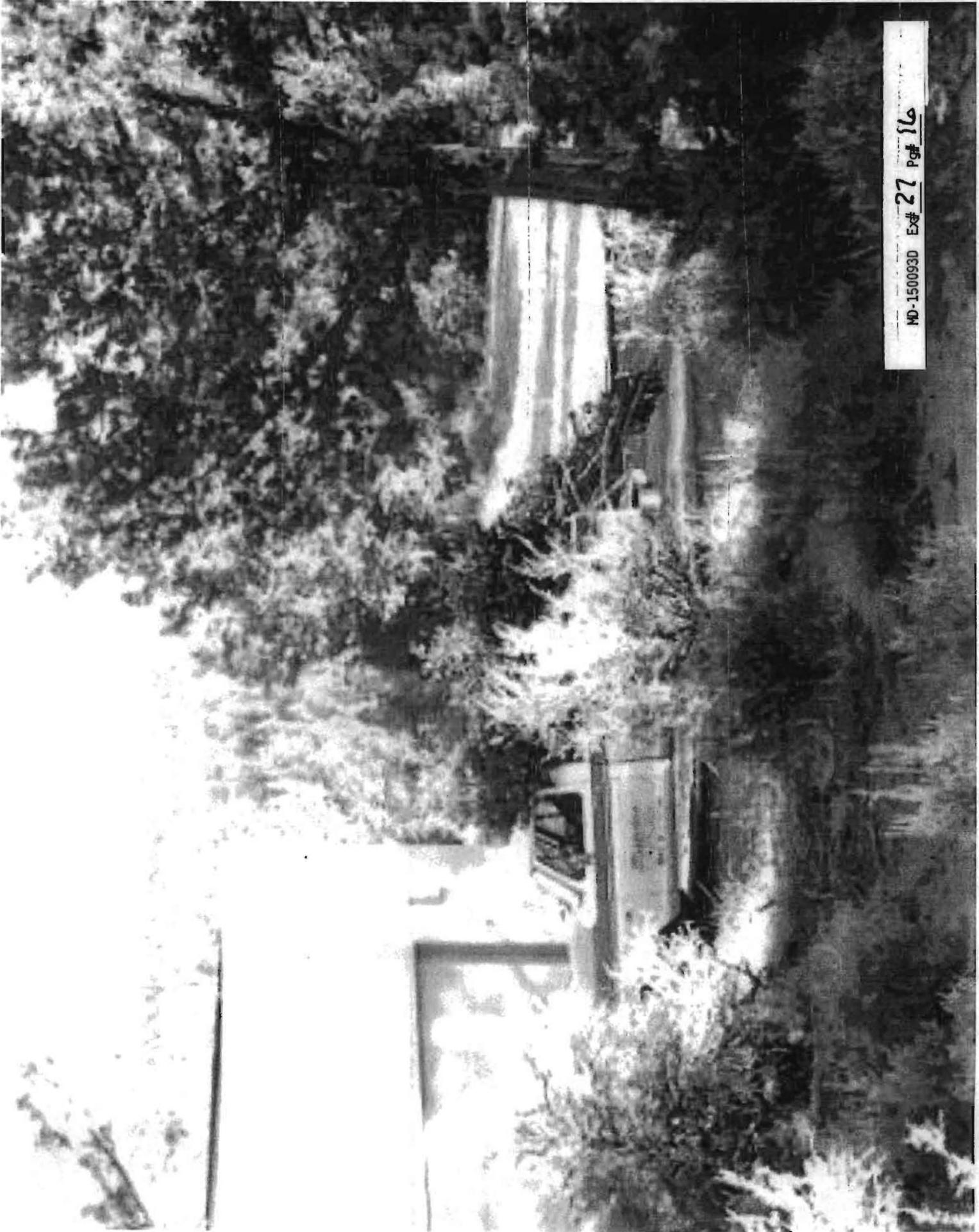


MD-150093D Ex#27 Pg# 13

Renter brings
yard waste to burn
property to burn



MD-150093D Ex#27 P#15

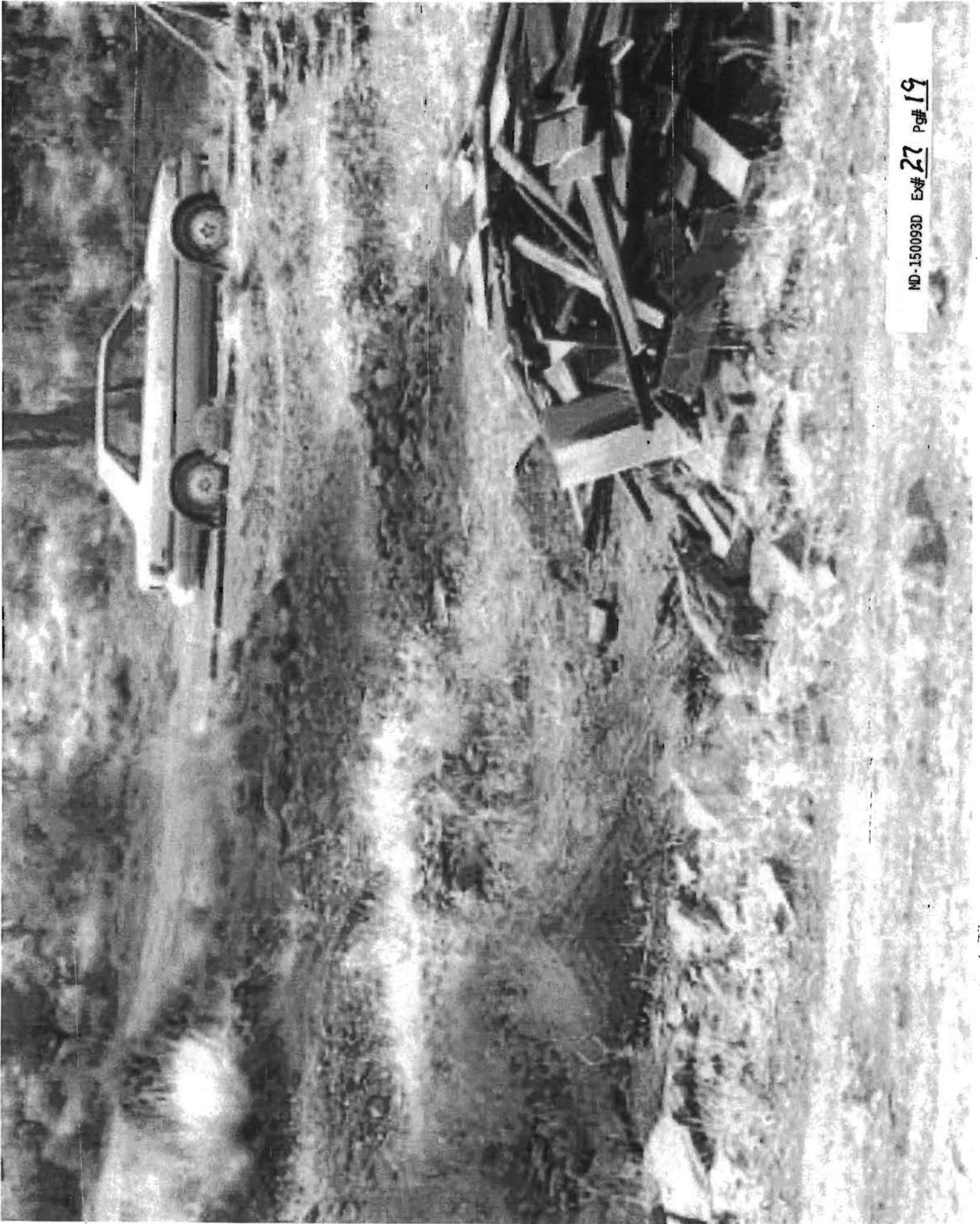


MD-150093D Ex# 27 Pg# 16



MD-150093D Ex# 27 Pg# 17

MD-150093D Ex# 27 Pg# 18



MD-150093D Ex# 27 Pg# 19

Mattress springs after fires



Mattress springs
before inspection
on 24 July 2007



MD-150093D Ex# 27 Pg# 22

Mattress springs
after inspection on
24 July 2007

Dumped on BLM
Property

Mattress springs dumped on BIM





MD-150093D Ex# 27 Pg# 25



MD-150093D Ex# 27 Pg# 26

Some of the
mattresses before
being set on fire



MD-150093D Ex#23 Pg#29



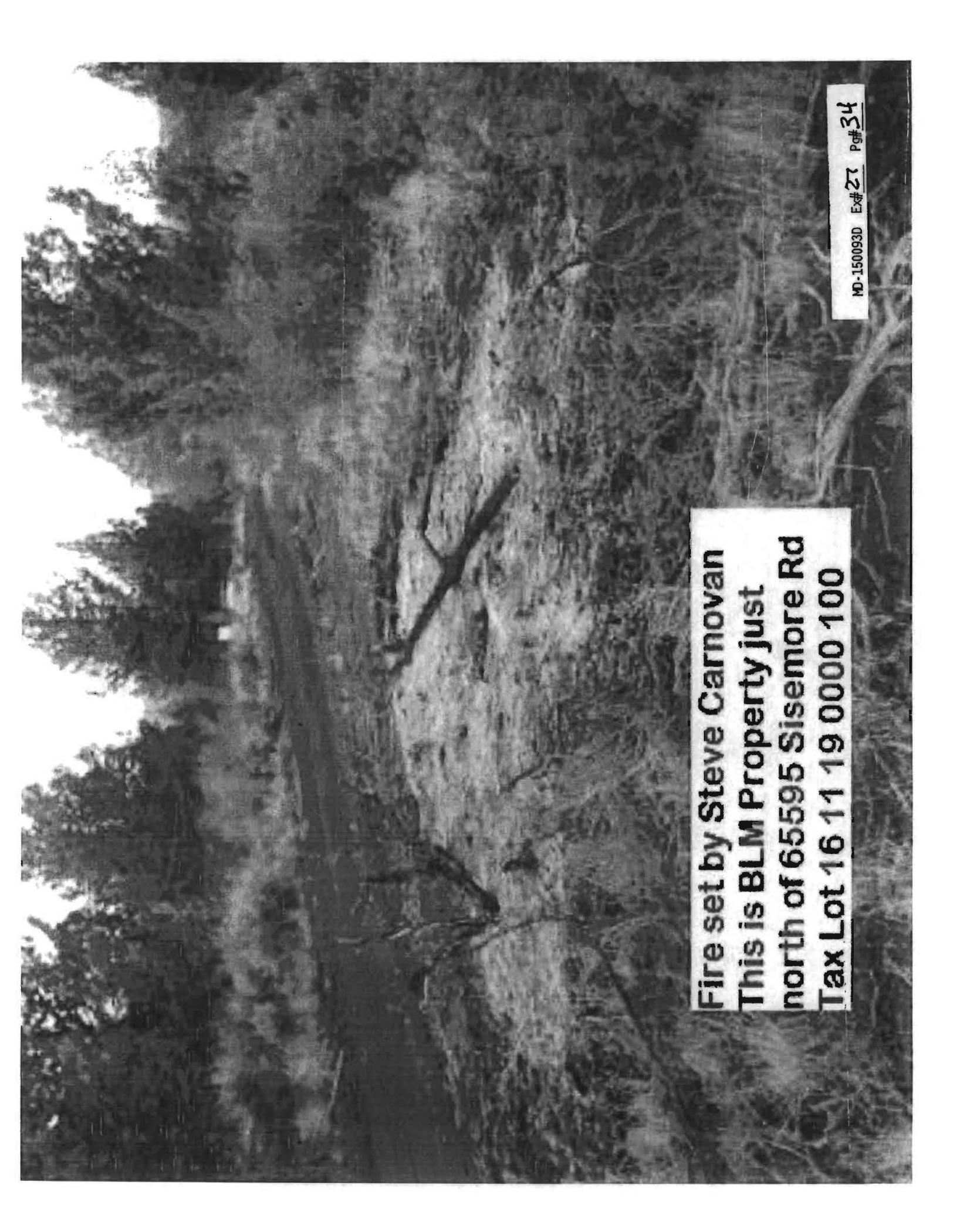
**Oil dumped on BLM
property North of
Dowell property.**



MD-150093D Ex# 27 Pg# 32

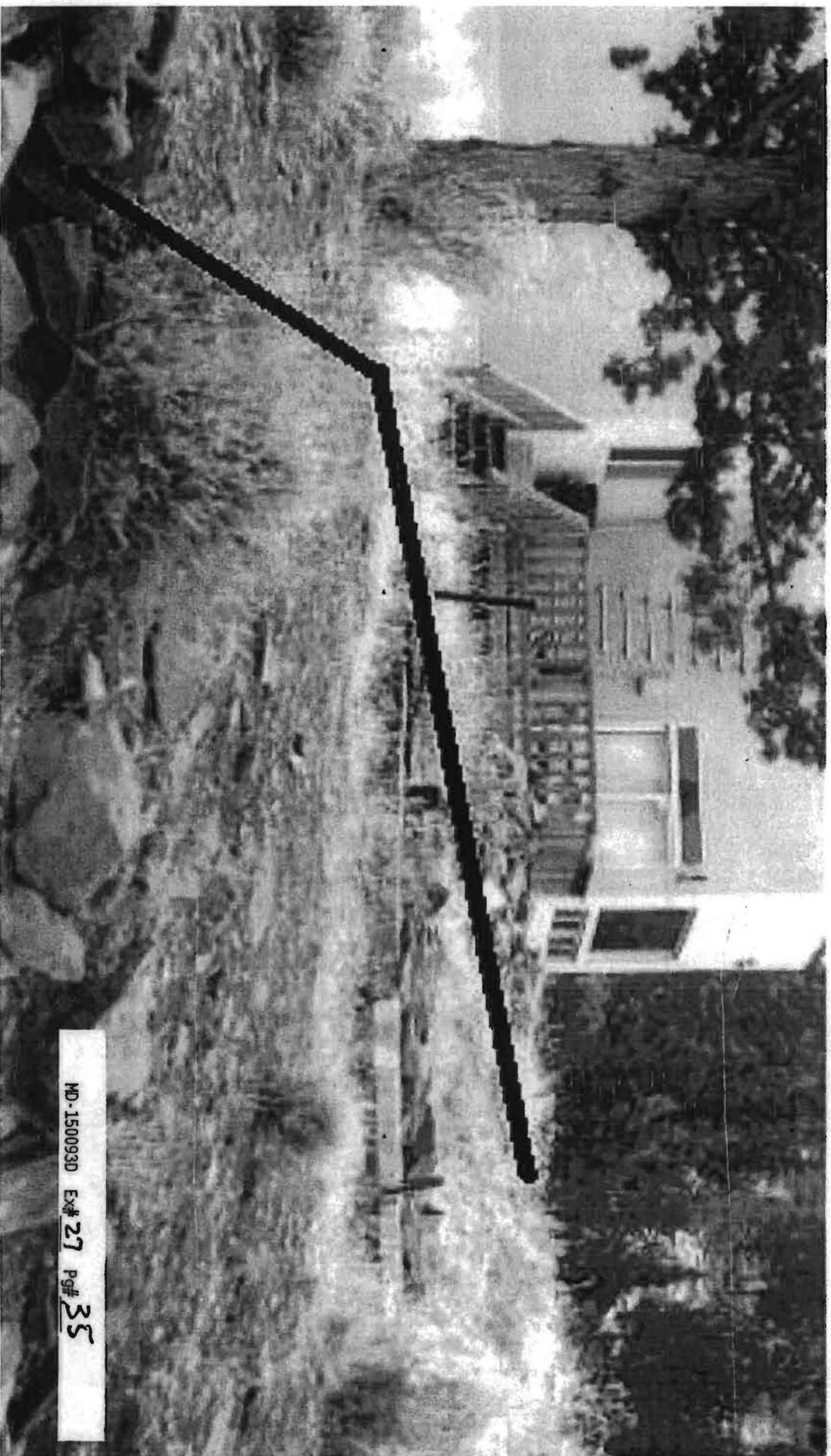
MD-150093D Ex# 27 Pg# 33

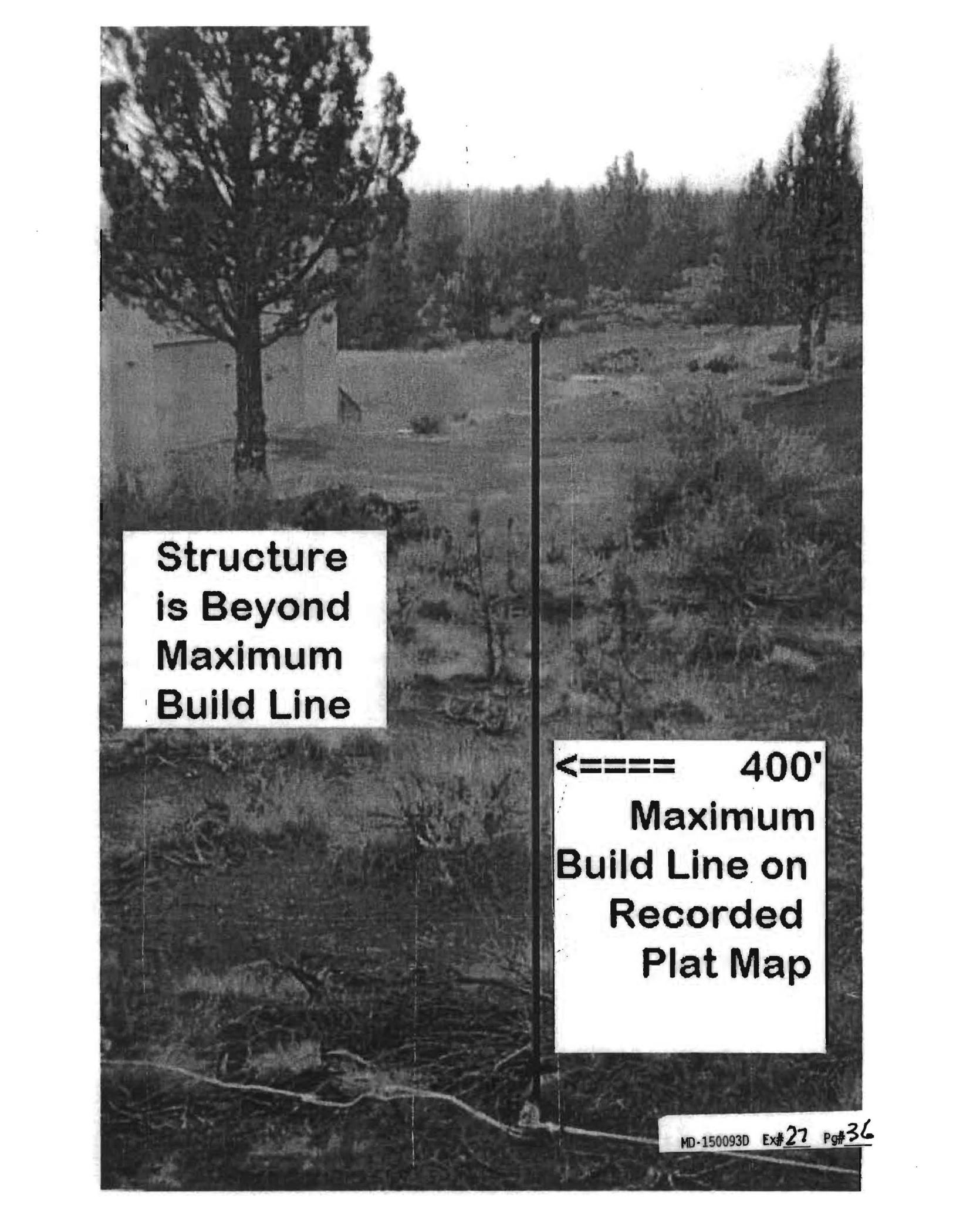




**Fire set by Steve Carnovan
This is BLM Property just
north of 65595 Sisemore Rd
Tax Lot 16 11 19 0000 100**

The area to the right of the line was filled during the construction phase with tons of building demolition.





**Structure
is Beyond
Maximum
Build Line**

**←==== 400'
Maximum
Build Line on
Recorded
Plat Map**

Kuhn

vs

Deschutes County Assessor Scot Langton

MD-150093D Ex# 22-24 ~Pgs# __

Dowell 1992 LM-92-9 _____

22 19920204_Draft-1_LM-Supporting Doc with map Dowell to Cibelli with notes added .pdf _____

23 19920210 Blikstad to Dowell with MP map and Sight map attached _____

24 19920129_LM-92-9_Complete.pdf Does not include the discovery documents

2 - 3 November 2015

Kuhn
vs
Deschutes County Assessor Scot Langton

MD-150093D Ex# 28 ~Pgs# __

28 Criminal Conspiracy
Cibelli Assault Light harassment
tenants being told to leave lights on

28a	20001022_IncidentReport-Cibelli Assault Leighs Statement ORC.pdf	1
28b	20001202_emailCibelliToAsh with notes and color.pdf	1
28c	20001219_ChitwoodLightsLetter.pdf Jeff Dowell told her to keep them on.	10
28d	19880325_IncidentReport-Cibelli Sent to and met with DA Mike Dugan	1
28e	20010101 Kuhn to DA - Doty Anna re Cibelli following stalking via truck & Nails in driveway	1
28f	20010101 Dowell signs contract with Cibelli as property manager	1
28g	20010104_email Dowell To Barton Re Moonshine-Discovery FUD INTENT .pdf	1
28h	20010109_emailEx Dowell & Barton Re Moonshine-Discovery Color Notes OCR INTENT .pdf	2
28i	20010409 and 0410 Dowell communication with Thom Barton _and Frank Cibelli_INTENT .pdf	2
28j	19830825 Cibelli Pot Seized Illegally	6

2 - 3 November 2015

On October 22, 2000 about 9:10 am someone pounded or kicked on our front door. Bill apparently opened the door. Someone was shouting "where are my stakes" repeatedly. Bill called my name several times. When I came around to the entryway, Frank Cibelli was inside the door a few inches from Bill who was standing with one hand on the inside doornob of the open front door. Bill was looking at me, saying "Leigh, call the sheriff, call 911," several times. Cibelli shouted at me, "yeah, call the sheriff, I already called the -sheriff." Cibelli shouted this at me several times while Bill repeated, "Leigh call the sheriff." Without looking at Cibelli or responding to him.

I said, "what's going on?" and continued to walk toward them. Cibelli yelled at me, "where are my stakes." I said, "what stakes?" Cibelli started shouting abusive things at me. I said, "get out of my house." He refused to leave. I shouted over his invective, "get out of my house, now." He still didn't leave. I grabbed the edge of the door with one hand shoving him toward the doorway with the other hand. I tried to close the door He shoved his foot up against the bottom of the door on the outside sill while still facing me and Bill and yelling at us. I pushed the door until it closed then tried to lock it. Cibelli who was still facing the door, shoved his fist through the middle stained glass panel on the door. Bill said, "I'm going to take his picture." and grabbed the camera by the door. Cibelli walked away from the door after he smashed the stained glass. Bill followed him out, camera up to his face, taking Cibelli's picture. Cibelli turned and either hit or shoved Bill. There was a second of scuffling while Bill tried to keep his balance and continued to take pictures. Then Cibelli struck Bill in the face with his fist, Bill went off the side of the deck headfirst into the ground on his back with his feet and lower legs over the top of the deck.

I ran out to where they were, yelling "stop it, stop it." Cibelli, bending over Bill, continued to hit him. I got partially between Cibelli and Bill who was still on the ground in the same position as he had gone down in after Cibelli hit him. I yelled again, "stop it" and "get off our property." Cibelli continued to ignore me while trying to hit Bill some more. One of the blows glanced off my arm. I kept yelling at Cibelli and began smacking him with my open palms about his head. After a few seconds, he faced me with his fist back. I said, "go ahead and hit me in the face." He did not. He tried to get around me to get back to Bill, who was starting to get up.

I kept shoving at Cibelli repeating "get off our property, now." He started backing up as I shoved at him. He finally turned his back on me, walking down toward the property below us where Jeff Dowell was standing.

11998

Brothers & Ash

From: "Frank Cibelli"
To: "Seana Ash" <brosash@hwy97.net>
Sent: Saturday, December 02, 2000 4:58 PM
I had time to go over that report with Jeff.
The most outstanding and concerning thing is that Bill Kuhn's hand written log was very accurate and that conversation took place inside Jeff's home and was a quite and personal conversation. We for the life of us can not figure out how anyone could have overheard that conversation. A little disturbing to say the least.

Second, I wanted you to know what did not come out in the report is that Leah Kuhn was not only beating me up but pleading with me to hit her during the whole ordeal.

Just thought you should know
Thanks
Frank

Mr. Cibelli is referring to the log of a conversation between Jeff Dowell and Frank Cibelli on 21 June 2000, while and after they were hitting golf balls off the roof onto parcel 3 and onto BLM property.

Mr. Dowell said, "One match and that place up there would go in a second."

This log was given to the Sheriff after Cibelli was arrested for coming onto our property and assaulting us on 22 October 2000.

William John Kuhn

PO Box 5996 Bend, Oregon 97708-5996

Phone: (541) 389-3676

Tuesday 19 December 2000

Lisa Chitwood
65595 Sisemore Road
Bend OR 97701

on Monday 11 December 2000 We phone Renter/
Tenant Lisa Chitwood asking her to turn the lights off.
She said that Jeff Dowell told her to keep them on.
We follow up by sending this letter certified to her via
John E Barton, her employer.

541 318 0690

Dear Lisa,

I have enclosed with this letter a couple of newspaper articles that have appeared during the past few weeks regarding the power shortage and concerns for energy conservation. The governors of Washington, Oregon and California have all asked citizens of their states to conserve energy wherever possible. All uses of electricity such as outdoor lighting and even Christmas lights are included in the request.

Also enclosed is a brochure from Deschutes County regarding the outdoor lighting ordinance that took effect in September. The brochure clearly shows that the outdoor lights on the Dowells' structure do not comply with the ordinance.

The land use restrictions associated with these properties, which apply to all people living here, now have the force of the court behind them, meaning that a person can be held in contempt of court if they are not followed. Number 6 of these land use restrictions asks us to demonstrate sensitivity to living within the boundaries of the Tumalo Winter Deer Range, and urges us to adjust our life style accordingly.

In talking to you last Monday (11 December), I kindly asked if you needed the outdoor lights on all night long. I was disheartened to hear that although you do not wish to have the lights on, you were not going to turn them off because Jeff Dowell told you to keep them on.

The Dowells have apparently asked you to participate with them in harassing us by keeping the lights on all night long. And you have apparently chosen to do so. The Dowells do not have the right to make you to do something that is against the law.

I am formally requesting that you turn off or adequately shield the illegal lights, and that you not be part of the harassment against us by the Dowells and Frank Cibelli. If the lights remain on and unshielded, we will be asking the County to take proper enforcement actions.

Sincerely,



William John Kuhn

MD-150093D Ex# 28c Pg# 1

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)

0664 4390
3214 4322
0017 4700
0048 6607
7099 3400

Postage	\$ 55
Certified Fee	140
Return Receipt Fee (Endorsement Required)	125
Restricted Delivery Fee (Endorsement Required)	275
Total Postage & Fees	\$ 5.95

BEND OR 97701
 Postmark
 JAN 21 2000
 USPS

Recipient's Name (Please Print Clearly) (to be completed by mailer)
LISA CHITWOOD % NOMADICS TIPI MAKERS
 Street, Apt. No., or PO Box No.
65595 SISEMORE RD 17671 SNOW CREEK RD.
 City, State, ZIP+4
BEND OR 97701

PS Form 3800, February 2000 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Received by (Please Print Clearly) B. Date of Delivery 12/21/00</p> <p>C. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">LISA CHITWOOD % 65595 SISEMORE RD. BEND OR 97701 NOMADICS TIPI MAKERS 17671 SNOW CREEK RD BEND OR 97701</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number (Copy from service label) 7099 3400 0017 3214 4390</p>	

How cold will it get? No one knows

By Christina Kelly
The Bulletin

Central Oregon won't be feeling minus 20 degrees like those that chilled the region in 1972 and 1990, but weather experts are predicting some pretty low temperatures tonight through midweek, with the mercury sliding down to single-digit numbers.

The problem is state and national weather forecast models aren't agreeing with each other, making the prediction difficult, said George Taylor, the state climatologist affiliated with Oregon State University.

"Our weather models are all over the place," Taylor said. "It makes it pretty tough to predict what will happen."

See Cold / A9

Energy supplies are lagging

By Beth Britton
and Jeff Nielson
The Bulletin

If forecasts calling for near-zero temperatures in the next few days aren't causing chills, paying the natural gas bills for heating a home or business this winter might.

And while electricity rates haven't yet risen significantly — a situation that is sure to change — energy experts say supply could be a potential problem for the region.

"It will be extremely tight,

but we should be able to squeak by," said Rich Nassief, director of the Northwest Power Pool. The agency coordinates power operations for utilities in the Northwest and western Canada.

"We're on the ragged edge" of a shortage," said Ed Mosey, a spokesman for the Bonneville Power Administration. The BPA distributes power from hydroelectric dams on the Columbia and Snake rivers.

See Energy / A9

Cold

Forecasters say it's hard to tell what will happen this week

Continued from A1

Earlier last week, the National Weather Service issued a cold weather advisory to warn of possible temperatures below zero in Central Oregon. By this weekend, forecasters were backing off slightly from sub-zero temperatures, predicting lows of 5 to 15 degrees Tuesday and Wednesday.

Taylor said the confusion stems from a rare flow of air from northern Canada. Normally, Oregon is dominated by air flow from the Pacific. That air keeps temperatures mild, with an occasional blast of arctic air, or warm air from the Pineapple Express,

or tropical regions.

The arctic blast roared through Central Oregon in December 1972, and the region plunged to minus 28 degrees and set new record lows every day from Dec. 6 to Dec. 14, said Joe Solomon, forecaster for the National Weather Service. The northern air struck again in 1990 with lows at minus 24 degrees.

The last sub-zero weather was two years ago when the temperature in Bend sank to minus 12 degrees — a far cry from the winter storm of 1919 when 53 inches of snow smothered Central Oregon and temperatures hovered around minus 25 degrees.

State weather models indicate the approaching northern arctic air will move from Canada to the Midwest, then drift to the west, sliding into Montana and northern Idaho.

Solomon said, however, the disturbance has enough strength to push into northern and eastern

Oregon.

Taylor said forecasters don't know how much the cold front will be modified by the time it reaches Oregon.

"This doesn't happen often — we usually see temperatures dip like this on average of every 10 years," Taylor said.

Some Central Oregon law enforcement agencies are issuing public safety warnings for people who go into the woods in search of a Christmas tree.

Anyone driving on rural roads or in the woods should notify people of the location and take a cell phone. Crook County Under-sheriff Jim Hensley said. Extra clothing, food and water should also be in the car.

Meanwhile, with the expected onslaught of frigid weather, residents are bound to push up their thermostats to warm the house, and utility companies in Oregon are concerned the power drain in the Northwest could cause some

outages.

In August, Taylor predicted average fall and winter precipitation slightly above and average amounts of snow on the mountains.

Nationally, the United States is experiencing a return to temperatures and increased precipitation that was largely absent in the past three years of winters.

November 2000 reflected change, ending up as the coldest November in the States in 106 years of record according to the National Weather Service.

If the weather does turn and temperatures drop teens or hover close to zero, emergency shelters are closed, blankets, coats, sleeping bags and tents for distribution.

Contact the Salvation Army (382-9000) or the St. Vincent Paul Society (389-6644) for help. They have such items to donate.

Energy

Electricity and natural gas prices are soaring on open markets

Continued from A1

California officials this past week ordered unprecedented emergency measures such as idling huge pumps that send water from the Sacramento-San Joaquin River Delta east of San Francisco to central and southern regions of the state.

In the Northwest, energy officials met Friday to talk about emergency plans but decided against any immediate action.

What's going on? Why are prices for natural gas skyrocketing, while energy providers from coast to coast are warning of possible energy shortages?

In many ways, it's a classic economic lesson of supply and demand, experts say.

Demand for energy has risen, thanks to a booming economy that has kept factories open longer hours and caused a spike in housing construction.

But supply has lagged. Several states have toyed with deregulation of the energy industry, which was supposed to lead to greater competition and lower prices for consumers. California, for example, in 1996 ordered investor-owned monopoly utilities to sell their power-generating assets and buy electricity on the open market.

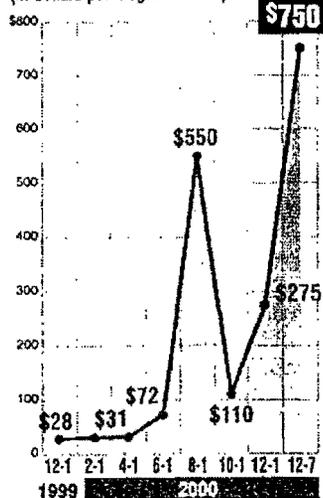
Something unexpected happened, however. Many companies still in the production business, waiting to see how deregulation played out, held back on building expensive new electric power plants. Moreover, a majority of all the new electricity-generating facilities are run by natural gas-fired turbines.

The result: both electricity and natural gas prices are soaring on open markets.

Natural gas prices have more

Electricity prices

Average wholesale peak price on the open market in the Northwest / Northern Rockies region
(in dollars per megawatt hour)



Source: Energy Market Report, Economic Insight, Inc.

Greg Cross / The Bulletin

than quadrupled nationally since 1998, when the price on the open market was about \$2 per million British thermal units (Btu). In late September, the price was about \$4.40 nationally.

The specter of a frigid winter, however, has caused the price to almost double again in just over two months. This past week, the cost per Btu on the open market nationally was \$8.37. Some supplies coming from Canada are at an all-time high price of up to \$30 per Btu.

The price spike is caused in part by predictions of a bitterly cold winter.

"Natural gas prices are very sensitive to weather forecasts, especially at this time of the year," said Oregon Public Utilities Commission analyst Maury Galbraith.

Customers of Cascade Natural Gas, which supplies natural gas to more than 15,000 residential customers in Deschutes County alone, have seen their monthly bills increase dramatically this year.

In December 1999, the Oregon

"Natural gas prices are very sensitive to weather forecasts."

—Maury Galbraith,
PUC analyst

Public Utilities Commission approved a 7 percent rate increase for the company, and another PUC-approved 27-percent rate hike took effect in October 2000. That means that a customer paying about \$100 per month last winter can expect to pay more than \$130 this year.

Although wholesale prices nationwide continue to rise, Cascade Natural Gas customers will see no further rate increases this winter, Galbraith said. Natural gas companies purchased their gas for this winter many months ago, so the current high wholesale prices won't immediately affect them, he said.

The company will not be eligible to apply for a purchase gas adjustment until next year, he said. A purchase gas adjustment is an annual process that allows a company to collect from its customers what it is paying for gas on the wholesale market.

Recent rate increases are the result of skyrocketing wholesale prices for natural gas, said Frank Mansell, Cascade's public relations director.

"It'll affect their wallets more than last year," Mansell said of the increase. "And the colder the weather, the more gas they'll use."

Despite soaring demand this winter, Mansell said there is plenty of gas to meet the need.

"Our storage levels are adequate right now nationally," he said. Cascade takes only about 18 percent of its gas from underground storage facilities, while 82

percent is taken directly pipelines, he added.

The American Gas Association has estimated that there are about 2.5 trillion cubic feet in storage. That reserve, however, is about 11 percent of what it was one year ago.

In September, there were 400 drilling operations in the United States, and that number soared, Mansell said. There are 810 drilling operations in the United States. "The supply is there — we have to drill for it," he said.

Electricity is a different matter. Because there isn't some new supply that can be tapped and prices are soaring for natural gas that feeds the wholesale electric rates, they are on a steep upward curve.

Customers in Central Oregon aren't feeling the pinch yet. The Redmond-based Central Electric Cooperative and the state Electric Cooperative of Pine have raised rates.

The region's largest power provider, Pacific Power, has been granted rate increases totaling 5.33 percent this year by the Oregon Public Utilities Commission.

But watch out for next year. The Bonneville Power Administration, which provides 10 percent of power to Midstate, about 70 percent to Central Oregon, has filed for a 15 percent increase effective Oct. 1, 2001.

Pacific Power, meanwhile, asked the PUC that it be allowed to recover \$63 million in increased generation costs from Jan. 1 through Dec. 31. That's on top of another rate adjustment, sure to be up, that Pacific Power regularly files for effective Oct. 1 each year. That rate case still is being worked out, said Jack Breen, analyst with the PUC's rates and planning division.

"It's safe to say that prices on the wholesale market are significantly higher," Breen

The Associated Press contributed to this report.

California's power woes worsen electrical blackouts are possible

By John Howard
The Associated Press

SACRAMENTO, Calif. — California edged toward an unprecedented energy crisis today as hundreds of companies were ordered to cut back on electricity use and officials warned of impending blackouts.

The state, caught in a power crunch even before winter has begun, on Thursday ordered major commercial users to cut back on electricity.

The crunch has been blamed on cold weather in the Northwest, the shutdown of some power plants for repairs, and the effects of electrical deregulation in California.

Companies and individual consumers who had previously agreed to reduce or shut down their power in emergencies were ordered to do so early Thursday when officials declared a Stage Two emergency. It was the fourth such declaration in as many days and the eighth in three weeks.

The crisis could elevate to a Stage Three later in the afternoons, which would lead to rolling blackouts, officials said.

"We are really hurting. The state is scrambling to find energy," said Pat Dorinson, spokesman for the California Independent System Operator.

A Stage Two emergency is declared when power reserves fall or are expected to fall — below 5 percent. California never has had a statewide Stage Three emergency, which indicates reserves have fallen below 1.5 percent.

A Stage Three alert would probably come in the early afternoon, said ISO spokeswoman Lorie O'Donley.

Among the companies already affected was computer chip manufacturer Intel, which has 6,500 employees working on research and development in Folsom.

The campus will first cut the lights by half, said Bill Mueller, director of communications for Intel.

"If that's not enough, we'll take the lights down 100 percent and work in the dark," he said. The campus, which operates around the clock, hasn't had to completely turn off the lights yet, he said.

In response to the crunch, inspectors launched surprise inspections this week of power plants that have closed for repairs to see whether the shutdowns were deliberate attempts to drive up costs by limiting supply.

Power plant owners said the shutdowns were legitimate.

"We have worked very diligently to go the extra mile to keep our units up and running," said Richard Wheatley, a spokesman for Reliant Energy of Houston, which has five California plants.

Shutdowns were part of the reason that a quarter of the system's capacity was down on Wednesday by 11,000 megawatts, enough to supply 11 million homes.

Of that amount, state officials said, 4,000 megawatts were from plant breakdowns. Another 4,500 were from scheduled maintenance and 2,500 were from plants closed because they had reached the state's annual limit for pollution.

California can't import electricity because "all the surrounding states are in a similar predicament, especially the Northwest."

The imported power isn't available," said ISO spokeswoman Stephanie McCorkle.

If inspectors found that plants were shutting to boost prices, unclear what the state could do about it. Gov. Gray Davis' press secretary, Steven Maviglio, called the state's legal authority "a gray area."

The phased-in deregulation of California's \$20 billion electricity power industry was supposed to lower prices by creating greater competition.

But demand for electricity has outstripped supply because of a growing population, a booming high-tech economy, and less power available from neighboring states that haven't deregulated.

Cold front prompts plea for energy conservation

By Linda Ashton
The Associated Press

YAKIMA, Wash. — Faced with the possibility of an Arctic cold front that could drop temperatures dramatically next week, Washington Gov. Gary Locke and Oregon Gov. John Kitzhaber on Friday asked citizens to conserve energy while regional power coordinators prepared to take emergency steps to meet demand.

With low temperatures in the teens forecast for western Washington and in single digits for parts of eastern Washington at the beginning of next week, Locke urged people to turn off lights, turn down heat and otherwise minimize energy use.

The warnings came a day after California encountered an unprecedented power crunch, with electricity supplies for the state's 34 million people so low that blackouts were only narrowly avoided. The situation is exacerbated in California and the Northwest because few areas of the West have power to share.

"If all these forecasts turn out to be true, the Northwest is going to be challenged to meet (power demand) without taking extraordinary action," said Richard Adams, director of the Pacific Northwest Utilities Conference Committee, an organization of public and private utilities and some large industries.

In addition to promoting energy conservation, Adams said it might be necessary next week to reduce the voltage at which power is delivered, shift electricity use to off-peak hours, and interrupt power to customers who have agreed to that by contract.

See Cold / A9

Continued from A1

"The whole idea of issuing the warning is we've got two or three days to prepare for it ... to manage our way through the forecast," Adams said.

The Northwest Power Planning Council has warned for a

tricity shortages. Demand at times exceeds supply as the region continues to grow without new sources of power generation being built.

The expected cold snap comes at a particularly bad time in this hydropower-dependent region. Typically, during cold, dry, winter weather, the region buys extra power from California.

Locke told a news conference that he spoke Friday with the governors of Oregon, Wyoming and Idaho, and with California Gov. Gray Davis' chief of staff. All agreed each state has to con-

interruptions, he said.

Locke joined Oregon Gov. John Kitzhaber in asking citizens and businesses to immediately conserve as much electricity and natural gas as possible.

"If we act quickly together, we can hopefully avoid disturbances and brownouts next week," Locke said.

People can conserve energy by turning off lights, computers and appliances when possible, illuminating Christmas lights between 8 p.m. and midnight only, and turning heaters down to 66 degrees and wearing sweaters in-

MD-150093D Ex# 28c Pg#

6

Conserving Darkness

The Implications of Deschutes County's Outdoor Lighting Code

Josh Beddingfield

MD-150093D Ex# 28c Pg# 7

After a major earthquake in Los Angeles a few years back, calls started trickling in to police departments and news agencies about a curious phenomenon. The night after the big quake, a misty band appeared in the sky and with it a number of new stars. The callers were worried that the events were related in some way to the shaking of the earth. The biblically minded must have wondered whether Armageddon was around the corner as God rearranged the heavens.

The culprit, in this case, was not an old testament Jehovah parting the skies, rather it was a power outage that had taken out the thousands of outdoor lights that obscured the Milky Way and the constellations of the night sky. Astronomers, and others concerned with the declining opportunities afforded to sky gazers, are fond of telling such anecdotes when they argue for changes to outdoor lighting codes that would stem the tide of a phenomenon they call "light pollution."

Ted Saker, an amateur astronomer puts it this way on his webpage devoted to the subject, "How would you like it if your neighbor played heavy metal music at 120 decibels and directed it towards your house on a constant basis? Light pollution is equivalent to being subjected to loud noise on a continual basis."

Additionally, loss of nighttime darkness has many implications for wildlife habitat and the quality of National Parks and Wilderness Areas. On the east coast, beachfront lighting is commonly blamed for an increase in sea turtle mortality as hatchlings are confused by unnatural lighting. The National Park Service reports that nearly two-thirds of the parks that permit overnight camping are plagued by light pollution problems. In Ontario, Canada, a unique park, believed to be the world's first, was established solely for the purpose of providing unpolluted night sky within reach of heavy populated areas.

Behind the rhetoric about pollution is a growing movement that seeks to change the way people think about nighttime darkness. Instead of being a rural quality that is inevitably diminished by urbanization or security lighting, the movement seeks, through common sense and cooperation, to define light pollution as an avoidable nuisance that diminishes a common right. The solutions they propose are simple: adjust

security light hanging off a nearby horse barn. It shines brightly through the junipers and destroys the flavor of the area by making it feel like a paranoid suburb where the owner is worried about security to the exclusion of concern for his neighbors.

As more and more city people relocate to the remaining rural pockets of Deschutes County, many bring with them these annoying lights. As with many issues related to rapid growth, the proliferation of nuisance lighting destroys some of the very qualities that newcomers come to enjoy, in this case, clear night skies and friendly neighborhood relations. Look out over the county from, say the summit of South Sister at midnight, and the situation is all too clear.

To address the problem, Deschutes County commissioners approved an outdoor lighting ordinance in 1994. It doesn't demand that people with concerns for their security take down their lights. Rather, it asks them to simply shade their existing light so that it doesn't spill off their property and on to others'. As it turns out, that not only drastically reduces the amount of light reflected into the night sky and onto disgruntled neighbors eyeballs, it makes for a more secure and efficient light.

According to George Read, Director of the Deschutes County Development Department (CDD), "We had long term residents come in and say the lighting was bothering them, particularly in the rural areas. I was surprised at the amount of support it had." Read also admits to being surprised at the broad political spectrum that brought the code to pass, recalling, "I was absolutely amazed that some of the most property rights folks came and testified in favor of the ordinance."

He attributes the consensus to the perception that bad outdoor lighting is not a property rights issue so much as a nuisance issue. "It's sort of like noise: some of the same people who would say don't tell me what I can do with my land would support the idea that you can't make lots of noise at the wrong hours. The same is true of lighting."

The code, which applies only to rural areas outside of the Urban Growth Boundaries of Bend, Redmond, and Sisters, has been in effect for new development since the ordinance's pas-

The movement for night sky preservation through lighting codes is part of a growing trend in public policy that seeks to broaden protections for scenic and aesthetic qualities.

(unshielded lighting). Directed light, motion sensor, or lights that you can turn off and on, there are some studies we've seen that show that that's actually safer." Motion sensor lights, which only turn on when activated by movement, are compliant with the lighting code.

According to the International Dark Sky Association (IDA), an Arizona based advocacy group, directed lighting could also substantially reduce the amount of energy wasted by most unshielded fixtures. They estimate that the average mercury vapor light, the most common kind of high power fixture, wastes 30% of its light by sending it upward or outward instead of downward. Additionally, mercury vapor, shielded or not, is an inherently wasteful lighting source. The IDA estimates that simply replacing mercury vapor lights with an alternative, low pressure sodium, would save over \$500 million nationally.

Although the Deschutes County ordinance has been in effect for new construction for nearly six years, there have been some problems. The departure of County Commissioner Barry Slaughter, an ordinance supporter, made it tough for CDD to acquire resources for enforcement and public education about the measure. Enforcement of the code, as it relates to new building, was not carried out until three years ago and the compliance deadline for existing lighting had to be pushed back from 1999 to 2000 to give CDD more time to get the word out.

"To this day there are not a lot of compliant fixtures in the stores," says George Read, "We didn't do the job to get to people and let them know about this ordinance." A quick trip to the local big box hardware store, Home Depot, bares this out. Of the available outdoor security fixtures, most don't comply with the county lighting ordinance and no options are available, such as retrofit shields, for cheap fixes to existing lighting. In the parking lot, however, the hooded street lamps do meet the code, though rate only marginal by the standards of the IDA because of their protruding lenses.

Part of the problem is that bad lighting is still allowable within the Urban Growth Boundaries of Bend, Redmond, and Sisters. Read recalls, however, initial interest on the part of former

about being able to view the night sky. But there are broader public policy implications that should be of interest to all Central Oregonians. The movement for night sky preservation through lighting codes, and even in Ontario, Canada a protected night sky park, is part of a growing trend in public policy that seeks to broaden protections for scenic and aesthetic qualities.

The concept behind the Deschutes County lighting ordinance, as well as others enacted in Tuscon, Arizona, Seattle, Washington and the entire state of New Mexico, is to define access to dark night skies as a public commodity that is destroyed by careless private actions. Backers of the New Mexico law, for instance, speak of that state's famous skies as a natural resource which produce economic benefits such as astronomical observatories, tourism, and quality of life amenities that are damaged by bad outdoor lighting.

Imagine this approach applied to other hot button scenic issues in Deschutes County. When asked whether he sees the nuisance concept being applied to other issues, George Read replies, "Look at the furor over the driving range or the cell towers that are being proposed. We are one of the only counties in Oregon that has view protection corridors along our highways. There hasn't traditionally been a lot of support for that sort of stuff, but now we are seeing more support for it, and more support for protecting views."

Several effects of this change are apparent already. CDD is in the process of reviewing its building code exemption for agricultural out-buildings, due in part to the flap over an enormous, agriculturally dubious, barn built on Tumalo Rim Drive that neighbors complained ruined their mountain views. Opposition to proposed cell phone towers is galvanizing around the fact that the towers are just plain ugly.

The twist to these issues is that the nuisances potentially impact property values and, in a region largely dependent on tourism, recreation, and urban refugee immigration, the natural amenities that our economy is largely based upon. Aside from being visually disturbing, the destruction of these amenities makes little long term economic sense.

Imagine, for instance, if the debate over Bend's

What is high-output outdoor lighting?

Often referred to as yard or barn lighting, high output lights are typically used for security and area lighting. In recent years, wall-mounted lights for garages, driveways and porches have increased enough in wattage to be considered high-output lighting. High-output lighting also includes parking lot and billboard lighting.

The most popular type of high-output lighting is the common mercury vapor lamp. Other types of high-output lights include halogen lamps and high pressure sodium lamps.

How bright does a light have to be before it is considered a "high output" light?

The Outdoor Lighting Ordinance specifies that a light that produces more than 1,800 lumens (lumens are a measure of light intensity) must be shielded or modified to prevent spill onto neighboring properties. The lumen rating of light can be found on most boxes. Generally, a 120-watt incandescent light produces about 1,800 lumens. A typical mercury vapor light produces about 6,000 lumens and a high pressure sodium yard light about 10,000 lumens.



*"Good Outdoor Lighting
Makes Good Neighbors,
Preserves Rural Values
and Provides for
Security and Safety"*



For Additional Information Contact:

The Deschutes County Community
Development Department
117 NW Lafayette Avenue
Bend, OR 97701
541-388-6575

MD-150093D Ex# 28c Pg# 9

Deschutes County 
Community Development

Web site: <http://newberry.deschutes.org>

Good Lighting Makes Good Neighbors

28c 20001219 ChitwoodLightsLetter.pdf



A Guide
to helping you
understand the
Deschutes County
Covered Outdoor

Outdoor Lighting

Good Lighting



- More cost effective
- Controls light, directs light down and to the sides as needed
- Reduces glare
- Gives more illumination
- Reduces light spilling onto neighboring properties
- Helps preserve the dark night sky

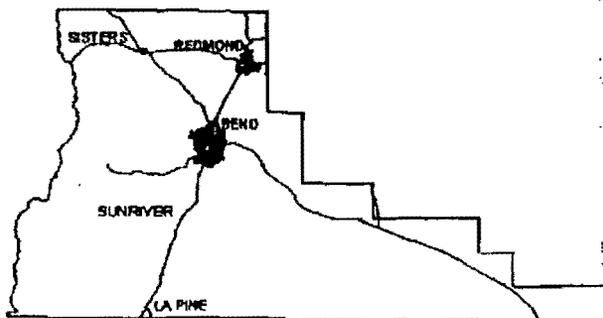
Poor Lighting



- Wastes energy into the sky
- Produces glare, spill and harsh illumination
- Illuminates more area than needed
- Inefficient and costly to operate

What parts of Deschutes County does the Covered Lighting Ordinance affect?

The Covered Lighting Ordinance applies to all lands in Deschutes County that are outside the limits of established Urban Growth Boundaries and incorporated Cities of Bend, Redmond and Sisters.



All areas in Deschutes County outside the Urban Growth Boundaries of Bend, Redmond and Sisters, are affected by the Covered Lighting Ordinance.

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modification?

A simple test is to walk the property line of the parcel on which the light is located. If the light bulb within the light fixture is visible from the location or if part of the light's output shines upward into the night sky, then the light needs to be modified.

Who is responsible for changing or modifying my light?

If you own a high-output light you will be responsible for ensuring the light complies with the design goals of the new Outdoor Lighting Ordinance. In some cases your utility company may own the light. In that case you should contact your local utility company to discuss the process for modifying your light. All local utility companies have been notified of the Ordinance and are familiar with its requirements.

Motion Sensors: An Energy Saving Alternative

Motion sensors can be installed for almost any light fixture. Popular for driveway, walkway, and deck lighting, motion sensors detect movement in a given area and turn on the attached light when needed. When no movement is detected, the light is switched off saving energy.

Light fixtures with motion sensors are effective security devices and because the light does not stay on for more than twenty minutes, they do not need shielding when in operation for 20 minutes or less and are in compliance with the Outdoor Lighting Ordinance.

INVEST/O - Registered Investment Advisors
60780 River Bend Drive Bend, Oregon 97702 (503) 389-3676 389-5483

Friday 25 March 1988

District Attorney
Deschutes County
164 NW Bond St
Bend, OR 97701

OUR PROBLEMS
WITH FRANK CIBELLI
BEGAN A LONG
LONG TIME AGO.

(503) 388-6520

To whom it may concern: _____

About two weeks ago, we went out to our property and saw a Frank Ruegg Realtors sign attached to a juniper tree on our property on Sisemore Rd. The sign mentioned that a "custom house" was for sale.

We called the realty company to find out what property or house the sign referred to and why it was posted on our property.

We were informed that the sign referred to Frank Cibelli's house and property which is located to the west of our property, and that Frank Cibelli had placed the sign where it was supposedly because he didn't want people roaming across his property to look at the house without an appointment. The sign was located right at our building site, probably causing confusion, trespassing and possible hazard as we plan to be building a custom home there shortly. We requested that the realty company move the sign away from our flagged building site, and that we would not object to having it posted elsewhere along our property in the interest of good neighborliness, even though we were not consulted prior to the posting.

This morning we received a phone call from Frank Cibelli saying in effect that he would move the sign, but he would make our lives "fucking miserable" until he moves. He then hung up without giving an opportunity to respond.

Because he has been verbally abusive and hostile in our few past meetings, we are taking this as a serious threat against our persons and property.

Sincerely,

William John Kuhn
DA880325.ws4

Martha Leigh Kuhn

MD-150093D Ex# 28d Pg# _____

20010101 Kuhn to DA - Doty Anna re Cibelli following stalking via truck & Nails in driveway

Main Identity

From: William John Kuhn <William@RiskFactor.com>
To: DesCo DA - Doty Anna <AnnaD@Deschutes.org>
Sent: Monday 01 January 2001 12:19 PM
Subject: Cibelli

Happy New Year Ms. Doty,

I am realizing how difficult your job must be to receive these kinds of communications. The ugliness of what humans do to humans (we I guess I should say to all other beings) seems unrelenting.

This mornings update and questions:

On Saturday at 10:45am I drove past Frank Cibelli's house on my way to town to pick up mail and go to the library. Mr. Cibelli's truck was in his driveway parked in front of his garage. I proceeded on Couch Market Road heading east to Rt. 20 going the speed limit (45MPH). Within a minute (I was in front of blue roof house on North side of road) Mr. Cibelli was in back of me, driving his pickup truck with the Pueblo license plate. He was close enough that I could see him through my rear view mirrors. He continued to follow me onto Rt 20 heading to Bend. I continued going exactly the speed limit all the way to the post office. Ever lane change I made, he made also. At the Mountain View Mall main entrance I entered the intersection as the light turned red. I continued through the red light expecting Mr. Cibelli to stop. He did not. He ran the red light in order to continue to follow me. When I turned off of 97 to go to the PO Mr. Cibelli continued south.

I returned home from the library around 3pm. My wife Leigh was out with our cat. We do not let her out without supervision for fear of her hunting birds and chipmunks. Shortly after that she brought the cat inside, Leigh went back outside to rake the gravel at the bend in the road back into the road.

This morning, Monday 1 January 2001, we were going out to take a walk when at the top of our driveway we saw some one hundred or so 1-3/8" dry-wall nails that had been purposely thrown onto our drive where it meets the road. This was not more than a few feet from where she had raked 40 hours earlier. What I am trying to make clear here is that she would have seen the nails if they had been there when she was raking.

We called the Sheriff's office and Cpl. Wayne Morgan came out and wrote up a report sometime around 10am this morning.

Questions:

What should we do with the nails?

Does Assistant DA Kelly Walsh need to see or talk to us before the pleading next Monday morning at 8:30am?

Thank you for taking our communication.

William Kuhn 541 389 3676

Cpl. Wayne Morgan later indicated he had gone to Cibelli's regarding the nails and a guest said Cibelli was there the whole time.

Later in preparing for Civil Court we received via discovery document process that Mr. Cibelli and Mr. Dowell signed a contract on 1 January 2001.

It doesn't take much to put 2 and 2 together to figure out that the witness for Mr. Cibelli was Mr. Dowell.

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01/05/2001

20010101 Dowell signs contract with Cibelli as property manager

To: Frank Cibelli
Pueblo Builders
18281 Couch Market Rd.
Bend, OR 97701

From: Jeff Dowell
65595 Sisemore Rd
Bend, OR 97701

&

10705 NE 38th Ave
Vancouver WA, 98686

Frank,

Please let this letter serve as a formal agreement between us for you (and/or your designees) to act as property manager for my property on Sisemore Rd. As discussed, your responsibilities include, but are not limited to:

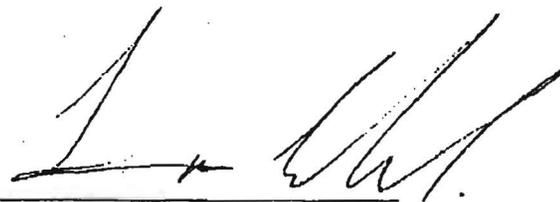
- The screening and securing of potential renters
- Handling any landscaping or construction issues that arise
- Performing troubleshooting and repair work as necessary
- Being 'on-call' to the renter to handle any emergency or security issues

Compensation for these services will be handled on an hourly fee basis, with immediate payments from me based on submission of your monthly invoices for services rendered.

Agreed to this 1st day of January, 2001:



Jeff Dowell
Property Owner



Frank Cibelli
Pueblo Builders

Jeff Dowell

From: Jeff Dowell
Sent: Thursday, January 04, 2001 9:02 AM
To: 'thbarton@aol.com'
Cc: 'pueblo@bendnet.com'
Subject: The Moonshine Ridge Road "Gate"

Importance: High

Contacts: Mr. Thomspson Barton

What is the INTENT?

InternetSlang.com defines "FUD"
as "Fear,
Uncertainty, and
Doubt"

Tommy,

Things appear to have finally taken a turn for the better on the Kuhn/Cibelli/District Attorney situation, as Franks attorney got a call yesterday from the DA saying "We screwed up in charging Frank. We've been hounded by the Kuhns every day since this altercation took place and we now realize they're the ones at fault here, not Cibelli. We're looking for a graceful way out. We're willing to drop all charges against Frank, will you work with us?" Frank's attorney is trying to work a deal where Kuhns end up having to pay us for the \$2,000 in surveying stakes that they pulled which started the whole thing, so we're hopeful the whole situation is changing for us from the defensive to the offensive. Should know something more in the next few days as to outcome of that.

Regarding the gate on your road to your property. It's my opinion that continuing to give Bill Kuhn "control" of that gate (as is currently the case, by virtue of him saying that anyone who wants to use it must simply come to him for a key) is the wrong position to be in. I'd like to ask you a favor in that you drop Bill a short email telling him you have asked me to change the lock and that you and I and Frank Cibelli will be the only ones with a key from now on. If he needs to have access for some strange reason, he'll need to come to Frank or I to get a key.

With that gate and a portion of the road clearly on the Dowell/Kuhns joint property, the more you assert your ownership and control over it, the better. And the sooner the better. Every month that goes by that you let him be the gatekeeper to that road, is getting him one month closer to being to assert at some point in the future "I've been stewarding that property for the last X years, with Thom Bartons blessing, and therefore I've got the right to (blah blah blah - whatever) when it comes to that road." Yes, you sending such an email may escalate an altercation between the two of you but believe me, if what you say about him already trying to get that road 'closed down' is true you're headed for an altercation with him anyway. The sooner you 'take back' that road and assert your ownership and control of it, the better.

Clearly, by virtue of it being in place in the mid 70's and in common use by you since then, and further, because Dowell/Kuhns have never challenged the location of the road being on our property, you hold the high ground here. I believe that Squatter Rights and the Statute of limitations alone grants you continued use rights forever. However, Billy boy won't see it that way and I believe he will make every play possible for control of that road the moment you stand up and demonstrate that it's yours and not his. In my opinion, the sooner you make that statement, the better, for your own protection. And for me, and my cause of creating continued FUD in Kuhn's life, the timing, and who you're giving 'control' of the road to (Frank and I), couldn't be more helpful. ↗

I'm still very interested in trying to get a deal cut that let's me buy your place, so I'm trying to get my property and the house into saleable condition as quickly as possible. One the most important factors in increasing my value is to diminish as much as possible the "Kuhn factor." Your telling Bill to "back-off" when it comes to demanding to have a key to your road will help further reinforce his loss of influence/control over his immediate surroundings. And I believe that will benefit us all in the long run. Obviously you and I need to talk more about the terms under which you might sell me your place, but we can do that at Bandon.

I realize this all may sound pretty blown out of proportion, but if you doubt the degree to which Kuhn will go to exercise what he believes is his "stewardship" of the Tumalo Winter Deer range, just pick up the phone and call me (or Frank Cibelli, or Jim Watts, or Laura Alenbaugh, or George Colvin, or Mark Burchette, or the Fowlers... we've all had serious run-ins with the guy - and up until now, he's pretty much gotten his way).

I'm going down to Bend next week and would like nothing more than to go up and change the lock while I'm there. Please let me know as soon as you can if this is a direction you're willing to go.

Thanks, jeff dowell

MD-150093D Ex# 289 Pg#

What is the INTENT of this email exchange?

Jeff Dowell

From: Jeff Dowell
Sent: Tuesday, January 09, 2001 7:51 PM
To: 'ThBarton@aol.com'
Subject: RE: The Moonshine Ridge Road "Gate"

thommy, i have two answers to your question(s). one is short and to the point, and the other is longer and filled with details.

my short answer is:

battle lines have been drawn. frank and i (and others in the moonshine ridge area) are on one side, and kuhns are on the other. i'm asking you to join me because i need your help. if you have read my original email in full, and then read through the additional details below, and you still are not interested in getting involved, god bless and good luck to you, it won't be necessary to communicate further.

my more detailed answer is:

i already have a key to your lock, you gave me one ten years ago. i have one and kuhns has one. kuhns makes it very clear to anyone he can that he 'controls' your gate and that everyone has to come to him for a key. as i explained in my first email, i believe that puts bill in a position of power and authority over something that's yours, and i'm telling from a great deal of person experience, with bill kuhn, that is a very dangerous thing to do.

it absolutely IS about making a statement to Kuhns, a power and control statement, and with the recent attacks he's launched against Pat and I, the timing of your support is important to me. this guy has filed 28 code violation complaints against me since October of last year, only one of which had merit (i had to paint the house a different color), and defending myself against those complaints has cost me thousands of dollars in legal fees. he is clearly trying to exercise his (self appointed) control and power over The Tumalo Winter Deer Range, and i'm asking for your help is showing him that his immediate neighbors don't like or appreciate his actions/attitude.

this idiot has driven Lisa out (my renter) by 'haunting her' with all sorts of bizarre actions over the past two months (like stretching string across our driveway so Bill can document her coming and going by virtue of the string being broken when she drives through it, like hiding behind trees and following Lisa around the property when she's simply out taking a walk (as a means to make her uncomfortable and 'stalked'). unfortunately the sheriff cannot do anything about it because Kuhns has technically not broken any laws even though the sheriff says openly that the guy is certifiably nuts and they would love to nail him.

he is also consumed with the outright manufacture of false 'evidence' against frank cibelli. multiple reports to the sheriff about frank trying to run he and leigh off the road when they pass each other on couch market or sisemore, accusations of frank being the culprit when someone recently dumped nails in Kuhns driveway in the middle of the night (frank wasn't even in town on the night the event took place).

yes, damn right, this is all about control and power, and all about putting a stop to Bill continuing to exercise his over other peoples spaces. if my initial letter to you didn't make it clear why i'm asking you to do this for me and what it represents, then i failed to communicate clearly. unless i misunderstood you at Bandon, you are already being attacked by kuhns by virtue of his continued attempts to get your property closed off from access via your existing driveway. i would think would be upsetting as hell to you, but maybe i'm missing something. it's clear that he's hell-bent on stopping me or Jim Watts (or anyone else) from becoming a neighbor. who appointed him god?

i would be happy to talk with you on the phone more about this if it's necessary, but i don't know how much clearer i can be. there is a lot at stake for me, and i'm asking you

to help me out by simply letting me change the lock on the gate and having a short email come from you to bill that says:

"bill, i've had Jeff Dowell change the lock on the my gate. he and frank cibelli have a key if you ever need one. best regards. thommy"

if he asks you why and you feel a need to saying anything more than "because it's my gate and i felt like it", then feel free to tell him that i asked you to as a personal favor. if you're worried about stirring things up with him, don't bother, (i believe) you're already squarely in his sights. he just hasn't put his gun of indignant self-righteousness to your head and pulled the trigger yet.

best regards, jeff

-----Original Message-----

From: ThBarton@aol.com [mailto:ThBarton@aol.com]

Sent: Tuesday, January 09, 2001 5:53 PM

To: JDowell@clarityvisual.com

Subject: Re: The Moonshine Ridge Road "Gate"

no issue with Frank himself. Just wanted to know why him in that he is not a property owner. Seems it is more about aggravating Coons; as in , on purpose. I don't feel the need. Frank as your property custodian or caretaker role makes sense. Is that the intent? Have you asked Coons for a key to the lock? Or is this just about control and power stuff?

What is the INTENT of this email exchange?

TIMELINE:

1989 When the Dowells purchased their property they were actually claiming to purchase a large portion of ours and they tried to eliminate one of the deed restrictions.

1997 Dowells refuse to sign homeowners' agreement unless Kuhns give up one of the deed restrictions.

1999 Dowells again refuse to sign HOA.

2000 March: At civil court Dowells give false testimony, claiming they never knew about the deed restriction.

2000 July: County orders Dowells to prove location of their structure.

2000 August: County changes how to measure 400 ft maximum building line on plat.

2000 October: Dowell watches as Francis Xavier Cibelli come onto our property uninvited, broke into our home, and assaulted us.

2000 November: Cibelli driving large truck tried running Kuhns in Honda off road.

2000 Thanksgiving: Dowells put flashing Christmas trees on their roof.

2000 December: Dowells ordered their renter to leave the lights on 24/7 for over two years in the Tumalo Winter Deer Range.

2001 January: This email exchange.

2001 January: one week later Dowell stole the lock the Kuhns had installed on the access gate in 1990, to which ALL owners within the cluster had been given keys.

20010409 and 20010410 Dowell communication with Thom Barton and Frank Cibelli

Mr. Dowell continued his harassment in April 2001 by convincing adjacent land owner Thom Barton to send us another email.

Historical Notes:

Prior to our purchase, Mr. Barton had constructed an access drive to his property. Mr. Barton was given the opportunity to construct this drive within an 80 foot wide easement. Please note the runway for a Boeing 747 does not need to be 80 feet wide. Unfortunately Mr. Barton was not able to stay within the easement, wandering as much as 75 feet from the centerline of the easement onto the joint property. This was confirmed by Deschutes County Road Department in ~2003.

Mr. Dowell had forgotten that we had installed the chain/gate with lock and key in the early 1990s. We had given keys to Mr. Barton, Mr. Cibelli, and the Dowells because we believed this access road was on the 80 foot road easement. We therefore felt it was only just to make sure all of these parties ought to have access.

In January 2001 after Dowell and Cibelli assaulted us, Mr. Dowell removed the lock and put his own lock on the gate to keep us out and then sent the key to Mr. Barton so Mr. Dowell would have deniability.

Mr. Barton blind copied Mr. Dowell the following which was sent to us:

First:

----- Original Message -----

From: <ThBarton@aol.com>
To: <William@RiskFactor.com>
Sent: Monday, April 09, 2001 10:22 PM
Subject: Moonshine

Bill, I have asked Jeff to remove the lock on the gate and he is willing. I want some people (mostly realtors) to take a look at my land. They will be dropping by unscheduled, so I want them to have easy access.

To which these emails followed:

----- Original Message -----

From: Jeff@Home <jtdowell@home.com>
To: <ThBarton@aol.com>
Sent: Tuesday, April 10, 2001 9:51 AM
Subject: Re: Moonshine

TB. This is perfect. Particularly the piece about the realtors. That will worry the shit out of Bill day and night.

MD-150093D Ex# 28i Pg# _____

I'm sure this will bring back a typical Bill hate mail response, but it's better to get this on the table now vs. waiting. I won't be surprised if he threatens all sorts of things, but just let him vent and please feel free to lean on me if you need some help dealing with it. There's little doubt in my mind he will come back and tell you that because you've "turned on him" he's going to try [to] exercise his "right to close the road" and he'll cite a thousand reasons why he's able to do it. If and when it comes to that, don't respond, just send me the correspondence and let me look it over. I'll get back to you after talking with my attorney about what the next steps should be.

Lastly, out of concern, I would check back with your friend who commented that your property was now 'unbuildable' and ask for more details. I don't know anything that's changed, but if he does, I'd certainly want to know about it sooner vs. later. Let me know what you hear back from him.

Onward, jtd

Second Last

----- Original Message -----

From: "Frank Cibelli" <pueblo@bendnet.com

To: "Jeff@Home" <jtdowell@home.com

Sent: Tuesday, April 10, 2001 1:34 PM

Subject: Re: Moonshine

Thommy's place is unbuildable?

What's up with that?

fc

Last

A friend of his (Debbie, lives in Sisters, married, with kids, you know her, Lawrence knows her) her husband mentioned to him last time they were together that he (this womans husband) thought some zoning ordinance or something had changed and TB's place was not buildable even now. I told him I'd not heard of such a change, but I thought he should try to find out more just to be safe.

I can't imagine there's anything to it, but you hey, you never know.

Better safe than sorry.

Jtd

Judge rules pot

By Gene Horton
Bulletin Staff Writer

More than 600 marijuana plants with an estimated street value of \$4 million were illegally seized in an August 1983 raid and cannot be used as evidence in a Tumalo man's trial, a Deschutes County Circuit court judge ruled Wednesday.

Judge Thomas Mosgrove said in the nine-page opinion that two overflights by Oregon State Police violated Francis Xavier Cibelli Jr.'s right to privacy.

A total of 645 high-grade marijuana plants were seized from a greenhouse and other areas at Ci-

belli's home at 65525 Sisemore Street on Aug. 25, 1983. The plants had been spotted in the partially concealed greenhouse from the air by two state police troopers on Aug. 10 and again on Aug. 25.

The property is off Couch Market Road, west of Tumalo.

"I believe the fact that the aircraft circled the greenhouse for over five minutes the first time and probably about 10 minutes the second time, when the avowed purpose was to observe for marijuana, are factors that must be considered..." Mosgrove said.

"I would find that the defendant had a subjective expectation of

seized illegally

privacy from this kind of aerial search."

Mosgrove said several factors, including the fact that the officers flew over Cibelli's property at a height of 800 feet to 1,000 feet, contributed to his privacy invasion finding. But the judge also apparently made another distinction about the aspect of the private property in the case.

"... (Society is 'required to accept as reasonable an expectation of privacy where the property flown over is the residence and curtilage of defendant.'" Mosgrove wrote, "the surveillance was directed at the particular property. It

was not an area of frequent overflights... and the contraband was not in view from a horizontal perspective (the ground)."

Deputy District Attorney Ron Brown said earlier a decision against the state would be appealed.

Lt. Jim Ferney, head of the ODP's marijuana eradication program, said the ruling won't immediately affect the program.

"Until the court says we can't, we're just going to continue doing what we're doing," Ferney said.

Circuit court decisions do not set precedent.

Judge Rules Pot Seized Illegally .

The Bulletin - Sep 13, 1984

Street on Aug. 1983 The plants had been spotted in the partially concealed greenhouse from the air by two state police troopers on Aug. 10 and again on Aug. ...

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The Bulletin - May 25, 1986

... the conducting of aerial surveillance by means of point-to-point flights, but not circling were concerned that that Cibelli case might be used to take

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Ruling on 'flyovers' creates few waves

By Gene Barton
Bulletin Staff Writer

A U.S. Supreme Court decision earlier this week upholding the constitutionality of police flyovers for detecting marijuana patches may have little effect in Oregon.

Such flyovers of public and open lands in the Willamette Valley are a crucial element of the Oregon State Police's marijuana eradication program. Oregon Supreme Court decisions have supported such flyovers.

But it is not yet clear whether the U.S. court's decision would have validated a Deschutes County case thrown out by a circuit judge in 1984.

The local case involved a Tumalo man, Francis X. Cibelli Jr., who was charged in August 1983 with cultivating marijuana in a greenhouse behind his home. Police circling in an airplane over his property spotted the greenery. Then, armed with a search warrant obtained on the basis of the aerial sighting, they seized 545 high-grade marijuana plants.

Judge Thomas Mosgrove ruled that the search was illegal on the ground that the plane circling over Cibelli's house violated his right to privacy.

Stephen Peifer, an assistant attorney general in the appellate

division, said the Cibelli decision was not appealed so as not to jeopardize earlier precedents.

Peifer said he expects a test case in Oregon relatively soon, although none are pending. "What the U.S. Supreme Court does is almost create a challenge to some judges to create a different rule. It might be helpful and it might not," he said.

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19860525 Cibelli 1

Bend, Ore., for Sunday, May 25, 1986

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THE BULLETIN C-5

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Francis Xavier Cibelli Jr

BIA investigator accepts new job

WARM SPRINGS -- Jerome Main, criminal investigator with the Bureau of Indian Affairs in Warm Springs since 1982, has resigned to accept a similar post in Montana.

Main will be in charge of investigations for seven Indian reservations in Montana and one in Wyoming. His headquarters will be the BIA area office in Billings, Mont.

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State high court over

From staff and wire reports

The Oregon Supreme Court Monday reversed two Oregon Court of Appeal rulings that had clamped additional restrictions on police searches.

Ironically, a similar decision in Deschutes County in 1983 would have been overturned under the new ruling. The Deschutes County Circuit Court decision was not appealed, however.

The supreme court said police can use airplanes to look for illegal drugs without getting search warrants and that officers in another case were justified in breaking down a door without first announcing their presence.

Both supreme court rulings were unanimous.

A case from Jackson County involved appeals by John Ainsworth, who was convicted of manufacturing and possessing marijuana, and his wife, Cheryl Ainsworth, convicted of possessing marijuana.

They lived on 14 acres in a rural area of the county and their land was posted against trespassers.

Sheriff's officers acting on a tip on Sept. 10, 1985, flew over the property in a helicopter and saw marijuana plants growing.

Based on their observations, the deputies obtained search warrants

and seized the plants.

The Oregon Court of Appeals, in 6-4 decision last year, said the convictions had to be reversed because the officers made an illegal search from the plane.

The supreme court unanimously disagreed, saying the aerial observation didn't violate the defendants' constitutional protection against unreasonable searches.

Because there is no evidence the deputies violated any rights of defendants or other legal restrictions, the court said in an opinion by Justice Wallace Carson Jr., "they lawfully were in the air above defendants' land.

"We hold that a police officers' unaided observation, purposive or not, from a lawful vantage point is not a search" under the state constitution, Carson said.

The Ainsworth case is similar to the Deschutes case in 1983.

On Aug. 10 and Aug. 25, 1983, Oregon State Police troopers flew over the Tumalo property of Fran-

cis Xavier Cibelli Jr. and spotted marijuana plants growing in a

Overturns search limits

partially concealed greenhouse. An Aug. 25 raid netted 645 high-grade plants with an estimated street value of \$4 million.

The case was thrown out a year later, however, when Deschutes County Circuit Court Judge Thomas Mosgrove ruled that the overflights were an unconstitutional invasion of privacy.

Mosgrove's ruling, as is the case with circuit court decisions, set no precedent. But the attorney general's office elected in April 1985 not to appeal the case to the Court of Appeals for fear of establishing a bad precedent.

"It is the universal conclusion that taking this case up on appeal could make bad law," Marla Rae, administrative assistant to Attorney General Dave Frohnmayer, said in 1985. "We don't want to put all overflights at risk."

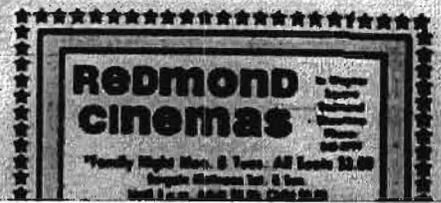
In Monday's other case, this one from Lane County, Charles Ford was convicted of illegal drug possession after police broke down the door of his Eugene apartment and searched the dwelling.

The appeals court, in a 7-3 ruling, said officers didn't comply with a law that says police first must announce their presence and be refused voluntary admission before using force to enter premises.

But the supreme court said the police action in this case came within a traditional "apprehension of peril" exception to the law.

Police had information that Ford, a convicted drug offender with an extensive criminal record, had several concealable firearms and had arrest warrants outstanding.

The circumstances at the time of the unannounced entry "would lead a reasonable person to believe that compliance with the knock and announce requirements ... would create a risk to the entering officers' safety," the court said.



State High Court Overturns Search Limits

The Bulletin - Nov 27, 1990

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and, Ore., for Tuesday, November...

Judge says police pot bust illegal

19850517 Judge says Pot Bust was illegal

By Gene Barton
Bulletin Staff Writer

A Deschutes County Circuit Court judge has ruled that 36 pounds of marijuana were illegally seized by sheriff's deputies in a March drug raid.

Judge Walt Edmonds ruled on a defense motion Wednesday to suppress the marijuana as evidence in the case against Rick Roy Schlotzhauer, 30, and Bruce Corrigan, 35, both of Onalaska, Wash.

Schlotzhauer and Corrigan were arrested March 12 when Deschutes County sheriff's detectives raided a room at the Bend Riverside Motel. The detectives seized 36 pounds of marijuana, which was bagged separately by the pound and which had an estimated street value of \$54,000.

Edmonds ruled, however, that the detectives entered the motel room illegally without a search warrant.

"The search of the motel room was conducted without benefit of a search warrant or exigent circumstances," Edmonds said.

Edmonds said he rejected the district attorney's argument that the search was the result of the

marijuana being in plain view.

"The facts were that the police knocked on the door and as soon as it was open a crack, the door was pushed all the way open and the police entered," Edmonds said.

He explained that the detectives moved in because they thought a transaction would take place before they could get a search warrant.

"But at the time the entry was made, there was no evidence that the transaction was about to take place," Edmonds said.

Defense lawyer Mike Dugan who represented Schlotzhauer and argued the motion, said he did not find fault with the detectives' motives.

"I still think the police acted, not properly, certainly, but they acted in what they believed was the best interest of the public in that they had a choice of getting the drugs now or waiting to get the search warrant," Dugan said.

"Their concern, of course, was if they took the time to get the warrant, they didn't know where the drugs would end up. In terms of getting the drugs off the street, the police did okay."

Sheriff behind depu

19850607 B-2 Sheriff Behind Deputies On Drug Busts

By Gene Barton
Bulletin Staff Writer

Sheriff Jim France has termed a series of drug busts thrown out by Deschutes County Circuit Court judges "just a run of bad luck" and said he stands firmly behind his deputies.

"I'm certainly not down on any of my officers," France said.

"They're doing a tremendous job. I'm not really upset because the guys are out there making a lot of cases and the odds are against you that something like this is going to happen. It's a cost of operating. You're going to have cases you're going to lose."

Judge Walt Edmonds and John M. Copenhaver last month suppressed as evidence marijuana seized by sheriff's deputies in three separate drug raids in March and April.

In one case, Edmonds said deputies unlawfully entered a room at the Riverside Motel without a search warrant.

In another, he ruled that the failure to mark with an "X" a space on a search warrant meant the deputies could not legally search a residence where drugs

County of Deschutes

IN THE NAME OF THE STATE OF OREGON

TO: ANY POLICE OFFICER IN THE STATE OF OREGON

You are hereby commanded to search

_____ Person of _____

_____ Premises located in _____

described as follows: a _____

house, with white trim, a red and white _____

number house, two wooden sheds, and a _____

for certain property, namely: _____

Missing X's invalidated search of resid

28j 19830825 Cibelli Pot Seized Illegally.pdf

News of Record:

Published: August 25, 2008 4:00AM PST

Civil Suits

Deschutes County Circuit Court Civil Log

Cases involving less than \$50,000 are subject to mandatory arbitration

Filed Aug. 15 Case No. 08CV0668MA; Cibelli's Inc. v. Brandon Banner, Edward Barbeau and Pisano's LLC, complaint, \$60,000

At the bendbulletin.com a lookup of Cibelli in the Newsprint Archive 1907 — 1994 section this web page has many articles.

There is a Catherine (Cathy) **Cibelli**, who was the supervisor of Day Care Services and the food stamp office in Bend. These articles can be ignored.

And Mike Cibelli is the brother of Francis Xavior Cibelli Jr. In 1980 Mike was 23. (dob 1957) Francis Xavior Cibelli Jr (dob 19520909)

<http://www.bendbulletin.com/apps/pbcs.dll/section?fstype=gArchive&Category=NEWSPRINTARCHIVE&profile=1194&h1=en&q=Cibelli&gauri=http%3A%2F%2Fnews.google.com%2Fnewspapers%2Fp%2Fbendbulletin>

News Archives

Results 1 - 10 of about 11 for Cibelli.

Cibelli's A Life Saver .

The Bulletin - Nov 1, 1980

paramedic who called later that night to thank (Mike) **Cibelli** for his efforts said emergency ... I guy was laying on the ground and he was blue, **Cibelli'** recalled. ...

Spotlight .

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The Bulletin - May 25, 1986

... the conducting of aerial surveillance by means of point-topoint flights, but not circling were concerned that that **cibelli** case might be used to take

Building Permits .

The Bulletin - Sep 29, 1979

Yucca Avenue Redmond 500 residence Mike **Cibelli** 22195 Calgary Drive Bend 000 residence Roy Cargill 61177 Concha Street Bend 27500 residence Luther Grant ...

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Cibelli's a life saver

By David Cash
Bulletin Staff Writer

"The guy was laying on the ground and he was blue. And I mean blue as my jeans."



spotlight

Mike Cibelli, a 23-year-old equipment operator who works for the Deschutes County solid waste department, helped save a life one Monday in September.

He had driven over to the county demolition pit, a landfill, to pick up some 50-gallon barrels.

"I drove up on the landing and I was loading the barrels when I saw these two guys standing over this man laying on the ground. Roy (Cibelli's boss, Roy Wickersham) was running to his truck, waving for me to come over."

Cibelli ran up and asked what had happened. They told him the man, a 68-year-old Bend resident, had fallen "om his truck "about five minutes ago."

The paramedic who called

during his last term at college had taken two hours of Red Cross instruction in cardio-pulmonary resuscitation (CPR). Now he found himself in a situation he had almost dreaded since taking the course two years ago.

"I always said to myself, 'Geez, I'll never remember any of this.'"

He knelt down and began mouth-to-mouth resuscitation. He checked for a pulse but couldn't find one. It was time for "the whole bit" - the alternation of mouth-to-mouth breathing with rhythmic compression of the victim's chest that's known as CPR. It's intended to keep the blood circulating and supplied with oxygen until more advanced medical treatment can be administered.

"To be didn't know time or not," said Cibelli. "But the teacher who taught me had said, 'Hey, you get there and you keep doing it until somebody comes who knows what they're doing and tells you to stop.'"

Cibelli kept at the CPR, but there was no sign that it was doing any good. The victim wasn't breathing on his own and he didn't have a pulse.

When the paramedics arrived, they checked the victim and prepared to use electric shock to get the heart started.

"Clear," said the paramedic. The boy jerked with the impact of the shock. No pulse. More CPR.

"Clear," the paramedic said again. "And they did it again and then his heart took over and he started breathing by himself," said Cibelli. The man was rushed to intensive care at St. Charles Medical Center. A week later, he was discharged.

The paramedic who called later that night to thank Cibelli for his efforts said emergency crews often arrive on the scene to find that nobody is assisting the victim.

"The guy was laying on the ground and he was blue," Cibelli recalled. "And I mean blue as my jeans."

Cibelli, as an afterthought

administered.

Cibelli set to work.

"Then, this guy walks up and he goes, 'You might as well give up. You're wasting your time.'" Wickersham, according to Cibelli, had just returned from radioing for an ambulance and answered the advice with a sharp, "Assholes, bullshit."

Cibelli. The intensive care unit at St. Charles Medical Center. A week later, he was discharged. "I tell you," said Cibelli. "Besides graduating... the excitement I felt... it was the biggest thing I ever did in my life. That day I just felt like I could walk on water. It felt great. It really did."

aver

"To be truthful with you, I didn't know if I was wasting my time or not," said Cibelli. "But the teacher who taught me had said, 'Hey, you get there and you keep doing it until somebody comes who knows what they're doing and tells you to stop.'"

Cibelli kept at the CPR, but there was no sign that it was doing any good. The victim wasn't breathing on his own and he didn't have a pulse.

When the ambulance arrived, the paramedics told Cibelli he was doing just fine and to keep it up. They checked the victim and prepared to use electric shock to get the heart started.

"Clear," said the paramedic. The boy jerked with the impact of the shock. No pulse. More CPR.

"Clear," the paramedic said again. "And they did it again and then his heart took over and he started breathing by himself," said Cibelli. The man was rushed to intensive care at St. Charles Medical Center. A week later, he was discharged.



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Cibelli -- "biggest thing I ever d

Mike Cibelli is Frank Cibelli's younger brother.

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