

Hannah Elliott

From: Will VanVactor
Sent: Tuesday, October 11, 2022 9:11 AM
To: Donald Erin L; Moeller, Merissa A.; John Eisler
Cc: Max Yoklic; Plan; JACKLE Greg S * ODFW
Subject: Re: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

Hi All,

The County Court continued the hearing to January 18th at 9:30 am. Please let us know if there are any conflicts with that date.

Thank you.

Will Van Vactor

Director - Crook County Community Development
300 NE 3rd Street Room 12, Prineville, OR 97754
Office: (541) 447-3211
Website: www.co.crook.or.us

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From: Donald Erin L <erin.l.donald@doj.state.or.us>
Sent: Tuesday, October 11, 2022 9:06 AM
To: Moeller, Merissa A. <merissa.moeller@stoel.com>; Will VanVactor <Will.VanVactor@co.crook.or.us>; John Eisler <John.Eisler@co.crook.or.us>
Cc: Max Yoklic <myoklic@newsunenergy.net>; Plan <Plan@co.crook.or.us>; JACKLE Greg S * ODFW <Greg.S.JACKLE@odfw.oregon.gov>
Subject: RE: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

Thanks everyone.

Erin Donald

503.881.5173

From: Moeller, Merissa A. <merissa.moeller@stoel.com>
Sent: Tuesday, October 11, 2022 8:52 AM
To: Will VanVactor <Will.VanVactor@co.crook.or.us>; Donald Erin L <erin.l.donald@doj.state.or.us>; John Eisler <John.Eisler@co.crook.or.us>
Cc: Max Yoklic <myoklic@newsunenergy.net>; Plan <Plan@co.crook.or.us>; JACKLE Greg S * ODFW <Greg.S.JACKLE@odfw.oregon.gov>
Subject: RE: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

Good morning, all,

Yes, NewSun agrees with this approach. Will and John, please let us know if you need a more formal request.

Thank you,

Merissa Moeller | Attorney

Direct: (503) 294-9455 | Mobile: (208) 863-0933

From: Will VanVactor <Will.VanVactor@co.crook.or.us>

Sent: Tuesday, October 11, 2022 8:49 AM

To: Donald Erin L <erin.l.donald@doj.state.or.us>; Moeller, Merissa A. <merissa.moeller@stoel.com>; John Eisler <John.Eisler@co.crook.or.us>

Cc: Max Yoklic <myoklic@newsunenergy.net>; Plan <Plan@co.crook.or.us>; JACKLE Greg S * ODFW <Greg.S.JACKLE@odfw.oregon.gov>

Subject: Re: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

Thank you, Erin. That seems reasonable and I will give the Court a heads up we may need to continue to later in January if Greg is not available.

Will Van Vactor

Director - Crook County Community Development

300 NE 3rd Street Room 12, Prineville, OR 97754

Office: (541) 447-3211

Website: www.co.crook.or.us

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From: Donald Erin L <erin.l.donald@doj.state.or.us>

Sent: Tuesday, October 11, 2022 8:25 AM

To: Will VanVactor <Will.VanVactor@co.crook.or.us>; Moeller, Merissa A. <merissa.moeller@stoel.com>; John Eisler <John.Eisler@co.crook.or.us>

Cc: Max Yoklic <myoklic@newsunenergy.net>; Plan <Plan@co.crook.or.us>; JACKLE Greg S * ODFW <Greg.S.JACKLE@odfw.oregon.gov>

Subject: RE: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

Hi Will,

I just tried to reach my client on this and I think he's out of the office today. I feel fine agreeing to early January, but only on the condition that if the Court sets the hearing for a date that Greg is unavailable, and ODFW doesn't have someone in line to cover for him, that NewSun agrees to support a request to the Court to move the date to something in the same timeframe but where ODFW has someone available. I attached one of NewSun's earlier continuance requests that came without time for me to coordinate with my client, and Merissa addressed this issue like this, which is what I'd like to see here: "Applicant has been unable to confirm whether the Appellant will stipulate to the continuance or is available on May 18, 2022. Accordingly, the Applicant requests that, if the Appellant is not available on May 18,

2022, this Court further continue the Appeal hearing to a subsequent date, time, and place certain acceptable to all parties.”

Does that work for everyone?

Thanks,
Erin

Erin Donald
503.881.5173

From: Will VanVactor <Will.VanVactor@co.crook.or.us>
Sent: Tuesday, October 11, 2022 6:17 AM
To: Moeller, Merissa A. <merissa.moeller@stoel.com>; John Eisler <John.Eisler@co.crook.or.us>; Donald Erin L <erin.l.donald@doj.state.or.us>
Cc: Max Yoklic <myoklic@newsunenergy.net>; Jake Stephens <jstephens@newsunenergy.net>; Plan <Plan@co.crook.or.us>
Subject: Re: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

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Thank you, Merissa.

We have the continuance request on the Court's work session agenda for this morning.

Erin, if you have a chance to check in with ODFW before 9 am, please let us know. No worries if you don't have time though.

Will Van Vactor

Director - Crook County Community Development
300 NE 3rd Street Room 12, Prineville, OR 97754
Office: (541) 447-3211
Website: www.co.crook.or.us

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From: Moeller, Merissa A. <merissa.moeller@stoel.com>
Sent: Monday, October 10, 2022 9:55 PM
To: John Eisler <John.Eisler@co.crook.or.us>; Donald Erin L <erin.l.donald@doj.state.or.us>
Cc: Will VanVactor <Will.VanVactor@co.crook.or.us>; Max Yoklic <myoklic@newsunenergy.net>; Jake Stephens <jstephens@newsunenergy.net>; Plan <Plan@co.crook.or.us>
Subject: RE: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

All,

My apologies. After we discussed scheduling last week, I learned that the applicant will be missing a key member of its team on December 7. Assuming that neither ODFW nor the County has an objection, we request that this hearing be moved to early January 2023.

Thank you,

Merissa Moeller | Attorney

Direct: (503) 294-9455 | Mobile: (208) 863-0933

From: Donald Erin L <erin.l.donald@doj.state.or.us>

Sent: Thursday, October 6, 2022 8:54 AM

To: Moeller, Merissa A. <merissa.moeller@stoel.com>; John Eisler <John.Eisler@co.crook.or.us>

Cc: Will VanVactor <Will.VanVactor@co.crook.or.us>; Max Yoklic <myoklic@newsunenergy.net>; Jake Stephens <jstephens@newsunenergy.net>; Plan <Plan@co.crook.or.us>

Subject: RE: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

Good morning,

Both December 7 and 21 work for ODFW, so let's go with NewSun's December 7 preference if that works for the County.

Thanks,
Erin

Erin Donald

503.881.5173

From: Donald Erin L

Sent: Wednesday, October 5, 2022 11:03 AM

To: Moeller, Merissa A. <merissa.moeller@stoel.com>; John Eisler <John.Eisler@co.crook.or.us>

Cc: Will VanVactor <Will.VanVactor@co.crook.or.us>; Max Yoklic <myoklic@newsunenergy.net>; Jake Stephens <jstephens@newsunenergy.net>; Plan <Plan@co.crook.or.us>

Subject: RE: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

Hi John,

Thanks for the email. ODFW does not object to a continuance. As for dates, I'll be back in touch as soon as my clients have a chance to check their calendars, which I expect will be tomorrow.

Hope you all have a good day, too.

Erin

Erin Donald

503.881.5173

From: Moeller, Merissa A. <merissa.moeller@stoel.com>

Sent: Wednesday, October 5, 2022 10:24 AM

To: John Eisler <John.Eisler@co.crook.or.us>

Cc: Will VanVactor <Will.VanVactor@co.crook.or.us>; Donald Erin L <erin.l.donald@doj.state.or.us>; Max Yoklic <myoklic@newsunenergy.net>; Jake Stephens <jstephens@newsunenergy.net>; Plan <Plan@co.crook.or.us>
Subject: RE: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

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Thank you, John. December 7 is our preference if at all possible.

Merissa Moeller | Attorney
Direct: (503) 294-9455 | Mobile: (208) 863-0933

From: John Eisler <John.Eisler@co.crook.or.us>
Sent: Wednesday, October 5, 2022 10:22 AM
To: Moeller, Merissa A. <merissa.moeller@stoel.com>
Cc: Will VanVactor <Will.VanVactor@co.crook.or.us>; Donald Erin L <erin.l.donald@doj.state.or.us>; Max Yoklic <myoklic@newsunenergy.net>; Jake Stephens <jstephens@newsunenergy.net>; Plan <Plan@co.crook.or.us>
Subject: RE: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

Hi Merissa,

Request received.

Erin, can you please confirm that your client has no objection to a continuance?

December 7 and 21 would be the most convenient dates for the County roughly two months out. If there is a preference on those, please let me know.

We'll bring this to the County Court at next Tuesday's work session. Have a great day everyone.

Best,



JOHN EISLER

ASSISTANT COUNSEL

Crook County Legal Counsel's Office
Physical: 301 NE 3rd St., Ste. 200, Prineville, OR 97754
Mailing: 300 NE 3rd St., Prineville, OR 97754
Office: (541) 416-3919 Ext. 279 Fax: (541) 447-6705

From: Moeller, Merissa A. <merissa.moeller@stoel.com>
Sent: Wednesday, October 5, 2022 10:02 AM
To: John Eisler <John.Eisler@co.crook.or.us>
Cc: Will VanVactor <Will.VanVactor@co.crook.or.us>; Donald Erin L <erin.l.donald@doj.state.or.us>; Max Yoklic <myoklic@newsunenergy.net>; Jake Stephens <jstephens@newsunenergy.net>

Subject: Request for Continuance - TSR North - Application No. 217-20-000581-PLNG, Appeal Hearing No. 217-21-000321-PLNG [SR-ACTIVE.FID5059719]

John,

In the above-referenced appeal hearing, the applicant, TSR North Solar Farm LLC, wishes to request a two-month continuance of the appeal hearing currently scheduled for October 19, 2022. The applicant has conferred with counsel for the appellant and understands that ODFW has no objection to a continuance. We have not conferred on scheduling and request that the hearing be rescheduled to a time and date certain convenient for the County. The purpose of the requested continuance is so the parties can continue discussions in the hope of resolving one or more issues in the appeal.

Please include this request in the appeal record.

Thank you,

Merissa Moeller | Attorney
STOEL RIVES LLP | 760 SW Ninth Ave, Suite 3000 | Portland, OR 97205
Direct: (503) 294-9455 | Mobile: (208) 863-0933
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