

**File No. 1240**  
**Board Order # 215A-amd**

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**January 10, 2012**

**SURFACE RIGHTS BOARD**

**IN THE MATTER OF THE PETROLEUM AND NATURAL GAS  
ACT, R.S.B.C., C. 361 AS AMENDED**

**AND IN THE MATTER OF  
THE WEST ½ OF SECTION 36 TOWNSHIP 85 RANGE 20 WEST OF THE 6<sup>TH</sup>  
MERIDIAN PEACE RIVER DISTRICT**

**(The "Lands")**

**BETWEEN:**

**Progress Energy Ltd.**

**(APPLICANT)**

**AND:**

**Paul Bryan Cowger**

**(RESPONDENT)**

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**BOARD ORDER**

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By Order dated September 4, 1985 as amended by Order dated September 30, 1986 (attached to this Order as Appendix "A"), the Mediation and Arbitration Board (now the Surface Rights Board) granted Husky Oil Operations Ltd. right of entry to the Lands to construct and operate a flowline, and by Order dated April 16, 1987 (attached to this Order as Appendix "B"), the Board confirmed the right of entry and determined the compensation payable. Husky Oil Operations Ltd. constructed the flowline and on the Lands as contemplated by the Right of Entry Order.


Progress Energy Ltd. is the successor to Husky Oil Operations Ltd. The flowline on the Lands is currently operated by Progress Energy Ltd. The Lands are currently owned by Paul Bryan Cowger.

The Surface Rights Board orders as follows:

1. Orders 215M, 215M-1 and 215A are amended to change Husky Oil Operations Ltd. to Progress Energy Ltd. and to delete Francis Joseph Cowger as a Respondent.
2. Progress Energy Ltd. has the right to enter, occupy and use that portion of the Lands shown on the Individual Ownership Plan attached as Appendix "C" for the purpose of operating a flowline as permitted by the Oil and Gas Commission.
3. Nothing in this order operates as consent, approval, permission or authorization of matters within the jurisdiction of the Oil and Gas Commission.

Dated January 10, 2012

FOR THE BOARD



Cheryl Vickers  
Chair

APPENDIX "A" 215A-and

File No. 1240

Board Order No. 215M-1

TUESDAY THE 30TH DAY OF SEPTEMBER, A.D., 1986

BEFORE THE MEDIATOR

IN THE MATTER OF THE PETROLEUM AND NATURAL GAS ACT, 1979, BEING CHAPTER 323 OF THE REVISED STATUTES OF BRITISH COLUMBIA, 1979 AND AMENDMENTS THERETO; THE ACT:

AND IN THE MATTER OF A PORTION OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$ ) OF SECTION THIRTY-SIX (36), TOWNSHIP EIGHTY-FIVE (85), RANGE TWENTY (20), WEST OF THE SIXTH MERIDIAN (W6M), PEACE RIVER DISTRICT

BETWEEN:

HUSKY OIL OPERATIONS LTD.  
P.O. BOX 6525, STATION "D"  
CALGARY, ALBERTA  
T2P 3G7

APPLICANT

AND:

FRANCIS JOSEPH COWGER  
P.O. BOX 13  
NORTH PINE, B.C.

AND

PAUL BRYAN COWGER  
P.O. Box 39  
MONTNEY, B.C.

RESPONDENTS

This is an Application by Husky Oil Operations Ltd., under the entry, occupation or use provisions of "THE ACT" for an amending order of the Mediator under Section 19, of the said Act.

THE APPLICANT having applied for an Order permitting it to enter part of the above described land for the purpose of having an Oil and Gas Flowline together with the right of ingress and egress for the purposes of maintenance, inspection and repair of all operations in connection therewith.

AND WHEREAS the preliminary survey plan referred to as Schedule "A" in the Order 215M has been replaced by Plan 31729.

AND WHEREAS a copy of Plan 31729 is appended hereto.

IT IS HEREBY ORDERED THAT:

Board Order 215M is hereby amended by deleting therefrom the preliminary plan attached thereto and substituting therefor Plan 31729 as Schedule "A".

CERTIFIED TRUE COPY

DATE

*Edmund*  
October 15 1986

MEDIATION AND ARBITRATION BOARD  
UNDER THE  
PETROLEUM AND NATURAL GAS ACT

*Edmund*  
Mediator

# PLAN 31729

I, R O BLACKALL, A BRITISH COLUMBIA SURVEYOR, CITY OF FORT ST JOHN, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE SURVEY WAS COMPLETED ON THE 25th DAY OF JULY, 1986.

*R.O. Blackall*  
R. O. BLACKALL, B.C.L.S.

THIS PLAN LIES WITHIN THE PEACE RIVER - LIARD REGIONAL DISTRICT.

**HUSKY OIL OPERATIONS LTD.**

STATUTORY RIGHT OF WAY PLAN  
THROUGH PART OF  
W. 1/2 OF SEC. 36, TP. 85, RGE. 20, W. 6. M.,  
PEACE RIVER DISTRICT.

SCALE : 1 : 2500.



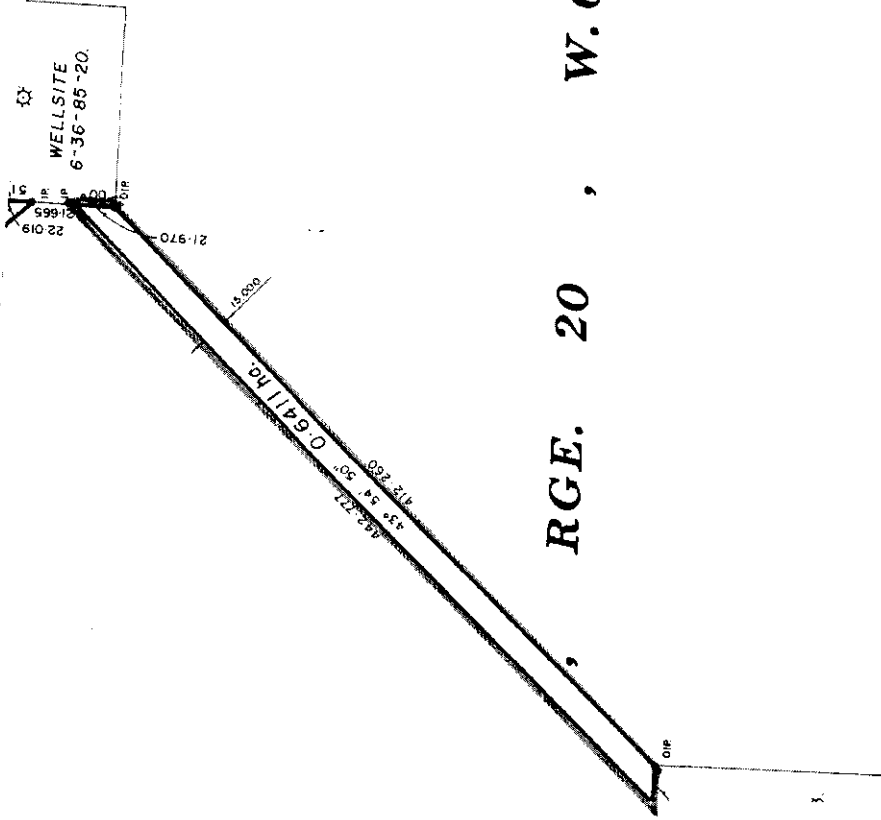
PEACE RIVER DISTRICT  
IN THE PROVINCE OF BRITISH COLUMBIA

SCALE : 1 : 2500.

McELHANNAY ASSOCIATES  
PROFESSIONAL LAND SURVEYORS  
10014-97th Ave., Ste. 202, Fort St. John, B.C.  
Phone : 604-787-0856.

JOB N° 00519B.  
507-

B.M.R.



RGE. 20 , W. 6. M.

File No. 1240

Board Order No. 215M-1

TUESDAY THE 30TH DAY OF SEPTEMBER, A.D., 1986

BEFORE THE MEDIATOR

IN THE MATTER OF THE PETROLEUM AND NATURAL  
GAS ACT, 1979, BEING CHAPTER 323 OF THE  
REVISED STATUTES OF BRITISH COLUMBIA, 1979  
AND AMENDMENTS THERETO; THE ACT:

AND IN THE MATTER OF A PORTION OF THE SOUTHWEST  
QUARTER (SW $\frac{1}{4}$ ) OF SECTION THIRTY-SIX (36),  
TOWNSHIP EIGHTY-FIVE (85), RANGE TWENTY (20),  
WEST OF THE SIXTH MERIDIAN, (W6M), PEACE RIVER  
DISTRICT

BETWEEN:

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CALGARY, ALBERTA  
T2P 3G7

APPLICANT

AND:

FRANCIS JOSEPH COWGER  
P.O. BOX 13  
NORTH PINE, B.C.

AND

PAUL BRYAN COWGER  
P.O. BOX 39  
MONTNEY, B.C.

RESPONDENTS

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ORDER

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APPENDIX "B" 215A-amd

File No. 1240

Board Order No. 215A

THURSDAY THE 16th DAY OF APRIL, A.D. 1987

**BEFORE THE MEDIATION  
AND ARBITRATION BOARD:**

IN THE MATTER OF THE PETROLEUM AND NATURAL  
GAS ACT, 1979, BEING CHAPTER 323 OF THE  
REVISED STATUTES OF BRITISH COLUMBIA, 1979  
AND AMENDMENTS THERETO; THE ACT:

AND IN THE MATTER OF A PORTION OF THE SOUTHWEST  
QUARTER (SW¼) OF SECTION THIRTY-SIX (36), TOWN-  
SHIP EIGHTY-FIVE (85), RANGE TWENTY (20), WEST  
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**BETWEEN:**

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**APPLICANT**

**AND:**

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NORTH PINE, B.C.

**AND**

PAUL BRYAN COWGER  
P.O. BOX 39  
MONTNEY, B.C.

**RESPONDENTS**

**WHEREAS** following an earlier postponement the interested parties were advised that an Arbitration Hearing concerning the Right-of-Entries covered by Board Orders 207-M, 208-M, 209-M dated the 11th day of October A.D. 1985 and 214-M, 215-M dated the 4th day of September A.D. 1985 in the Boardroom, Execuplace, 10142 - 101st Avenue in the City of Fort St. John, British Columbia, commencing at 10:30 a.m.

**AND WHEREAS** the hearing was convened on the appointed day in the presence of L. Blair Scarratt, Landman representing the Applicant and Mr. and Mrs. P. Cowger representing the Respondents, together with legal counsel Darryl Carter, L.L.B. There were also several other interested parties attending as observers.

**AND WHEREAS** following a meeting between the Applicant and the Respondents the Board was advised that an agreement had been reached respecting the amount of compensation payable to the Respondent.

**AND WHEREAS** the parties also came to an agreement respecting the rate of interest payable on the unpaid balance as well as the amount of costs payable by the Applicant.

THE BOARD DOES AND HEREBY ORDERS THAT:

- 1: The total amount of compensation payable to the Respondents for the rights granted to the Applicant shall be \$1,348.00.
- 2: The balance due the Respondents after deducting the sums advanced as required by Order 215M is \$558.00.
- 3: The Applicant shall pay to the Respondents interest on the unpaid balance of compensation at the rate of  $6\frac{3}{4}\%$  calculated from the 4th day of September A.D. 1985 until the sum aforesaid is paid.
- 4: The amount of costs payable to the Respondents by the Applicant on a pro-rated basis is \$530.00.

Following payment of the sums aforesaid the Applicant shall continue to exercise all of the rights granted by Order 215-M dated the 4th day of September A.D. 1985, as amended by Order 215M-1 dated the 30th day of September A.D. 1986.

Dated at the City of Fort St. John, Province of British Columbia this 16th day of April A.D. 1986.

CERTIFIED TRUE COPY

DATE

*R. Bennett*  
\_\_\_\_\_  
April 24, 1987

MEDIATION AND ARBITRATION BOARD  
UNDER THE  
PETROLEUM AND NATURAL GAS ACT

*R. Bennett*  
\_\_\_\_\_  
CHAIRMAN

*L. H. Russell*  
\_\_\_\_\_  
MEMBER

*John Spitzer*  
\_\_\_\_\_  
MEMBER

# PLAN 31729

I, R.O. BLACKALL, A BRITISH COLUMBIA SURVEYOR, CITY OF FORT ST. JOHN, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE SURVEY WAS COMPLETED ON THE 25th DAY OF JULY, 1986.

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R.O. BLACKALL, B.C.L.S.

THIS PLAN LIES WITHIN THE PEACE RIVER - LIARD REGIONAL DISTRICT.

**HUSKY OIL OPERATIONS LTD.**

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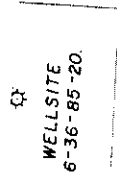
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Phone: 804-787-0358

507-  
JOB N° 00519B.

B.M.R.



WELLSITE  
6-36-85-20.

1:2500

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, RGE. 20 , W. 6. M.



File No. 1240

Board Order No. 215A

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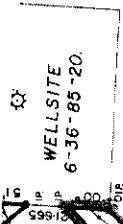
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