



Mediation and Arbitration Board

Paul Love, Chair
Dan Berkshire, Member
Caroline McNabb, Member
Thor Skafte, Member
James Sodergren, Member

- ORDER -

RIGHT OF ENTRY

BOARD ORDER 381M

FILE NUMBER 1533

In the matter of the Petroleum and Natural Gas Act being chapter 361 of the revised Statutes of British Columbia and amendments thereto:
(Act)

And in the matter of a portion of the North East Quarter of Section 14, Township 87, Range, 18, West of the Sixth Meridian, Peace River District
(Lands)

BETWEEN:

DEVON CANADA CORPORATION

2000, 400 – 3RD Avenue, S.W.
Calgary, Alberta
T2P 4H2
(Applicant)

- AND -

GLEN ARLINGTON SNIDER

Box 6086
Fort St. John, British Columbia
V1J 4H6
(Respondent)

WHEREAS the Applicant has filed with the Mediation and Arbitration Board an application for mediation and arbitration to authorize entry, occupation or use, pursuant to Section 16(1)(a) of the Petroleum and Natural Gas Act; and

WHEREAS the parties attended at the Board's offices on August 16, 2004, the date scheduled for mediation, and agreed to the terms of a mediator's order for the respondent's entry, occupation and use of the lands;

The Board hereby Orders:

1. Pursuant to Section 18(2)(c) of the Petroleum and Natural Gas Act, further Mediation Hearings are refused.
2. Pursuant to Section 19(1) of the Petroleum and Natural Gas Act, the Applicant has the right to enter the Respondent's land for the following limited purposes:

- (a) to construct a pipeline as shown on the attached Waberski Darrow Survey Group survey dated August 17, 2004 that is incorporated into this Order. The area covered by this order is 18 metres in width from the A16-14 wellhead to the 9-14 wellhead as shown on same survey.
 - (b) to perform all work as may be reasonably necessary to bring the pipeline into production;
 - (c) access for emergency and maintenance purposes will be required periodically after final cleanup of pipeline construction.
 - (d) to reconvene negotiations with the respondent prior to any change to the above activities by the Applicant. Any use by the Applicant other than those listed above, shall constitute a "Change of Use".
3. Pursuant to Section 19(2)(a) of the Petroleum and Natural Gas Act, the Applicant will deposit with the Board security in the sum of \$2,000.00 by cheque payable to the Ministry of Finance and Corporate Relations, Province of British Columbia, on or before September 10, 2004.
 4. Pursuant to Section 19(2)(b) of the Petroleum and Natural Gas Act, on or before September 10, 2004, the Applicant will pay to the Respondent, a partial payment in the sum of \$1,000.00.
 - (a) Pursuant to Section 19(3) the Applicant will pay the one time sum of \$1,900.00 for the right of way acquisition, \$1,500.00 for construction damages (including fence cuts), \$1,500.00 for respondent's personal costs, and \$1,500.00 plus GST for legal costs.
 5. Pursuant to Section 19(2)(c) of the Petroleum and Natural Gas Act, the Applicant will serve a certified copy of this Order to the Respondent on or before September 10, 2004, and proof of this service being provided to the Board Office on or before September 17, 2004.
 6. Pursuant to Section 25(3) of the Petroleum and Natural Gas Act, the Applicant must file a certified copy of the order with the registrar of the appropriate land title district.
 7. Nothing in this order is or operates as consent, permit, or authorization that by enactment a person is required to obtain in addition to this order.

DATED at the City of Fort St. John, British Columbia, this 27th day of August 2004.

MEDIATION AND ARBITRATION BOARD
UNDER THE
PETROLEUM AND NATURAL GAS ACT

Caroline McNabb, Mediator