

File No. 1736
Board Order No. 1736-2

June 5, 2013

SURFACE RIGHTS BOARD

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

AND IN THE MATTER OF

THE NORTH WEST $\frac{1}{4}$ OF SECTION 8, TOWNSHIP 79, RANGE 17,
WEST OF THE 6TH MERIDIAN, PEACE RIVER DISTRICT

(the "Lands")

BETWEEN:

ENCANA CORPORATION

APPLICANT

AND

EILEEN FALCK, PAUL JUSTIN POIRRIER,
TIMOTHY JOHN POIRRIER, MAXIME JAMES PETER POIRRIER

RESPONDENTS

CONSENT ORDER

Heard in person and by telephone conference: May 22, 2013

Appearances: Thomas Owen, Heather Tanaka,
Sandra Dixon, Heidi Berscht
Kent Wiebe, Eileen Falck, Max Poirrier

Mediator: Rob Fraser, Board Member
assisted by Brian Sharp, Board Member


Following an agreement reached via telephone and in-person mediation and at the request of the parties to incorporate the terms of their agreement into a Consent Order of the Board, the Surface Rights Board orders, BY CONSENT:

1. The compensation payable initially to the Respondents for the occupation and use of 16.08 acres of the Lands pursuant to Right of Entry Order #1736-1 shall be \$43,650.00, itemized as follows:
 - a. Compulsory Aspect of the right of entry: \$5000.00
 - b. Value of the applicable land: \$16,080.00 (\$1000/acre)
 - c. Loss of a right or profit with respect to the land: \$4020.00 (\$250/acre)
 - d. Compensation for nuisance and disturbance from the right of entry: \$2400.00
 - e. Other factors:
 - i. Loss of merchantable timber : \$13,875.00
 - ii. Borrow pit: \$1500.00
 - iii. Damages for temporary workspaces and log decks: \$775.00
2. The compensation payable on December 21, 2012 and annually thereafter shall be \$6420.00, itemized as follows:
 - a. Loss of a right or profit with respect to the land: \$4020.00
 - b. Compensation for nuisance and disturbance from the right of entry: \$2400.00

3. In addition, compensation shall be payable for each additional well in the amount of \$2000.00 initially when drilled, and \$500.00 annually thereafter, the annual payment being due and payable on the December 21 following the date of drilling.
4. \$5000.00 shall be paid by Encana to the Respondents in full and final settlement of all costs arising from the proceedings.
5. Payment of \$28,650.00, representing the initial payment of \$43,650.00 less \$20,000.00 already paid in advance to the Respondents, and the \$5000.00 in costs, shall be paid in trust to the solicitors for the Respondents.
6. All subsequent payments shall be made jointly to the Respondents, at a single address to be provided by them to Encana.

DATED: June 5, 2013

FOR THE BOARD



Rob Fraser
Mediator