

File No. 1769
Board Order No. 1769-1

November 16, 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 SOUTH WEST ¼ OF SECTION 21 TOWNSHIP 80 RANGE 17 WEST OF
THE 6TH MERIDIAN PEACE RIVER DISTRICT: EXCEPT THE WESTERLY 14
FEET AND PLAN 26071**

(The "Lands")

BETWEEN:

Encana Corporation

(APPLICANT)

AND:

Joseph Magusin and Juliette Louiseala Magusin

(RESPONDENTS)

BOARD ORDER

Encana Corporation ("Encana") applies pursuant to sections 158 of the *Petroleum and Natural Gas Act* for mediation and arbitration and for a right of entry order to carry out an oil and gas activity on the Respondents' Lands, specifically the construction, operation and maintenance of a well site with multiple wells.

The Oil and Gas Commission ("OGC") has approved the location of the well site and has issued their permit for this project.

I conducted a telephone mediation conference calls on August 29, 2012, September 26, 2012, and November 9, 2012, where the parties discussed the project and whether I should issue Encana a right of entry order.

I considered the submissions and found that there is no impediment preventing the Board from issuing the right of entry. Supported by the fact that the OGC has issued a permit for this project, the Board is satisfied that Encana requires the right of entry for the purposes of oil and gas activities.

ORDER

Pursuant to section 159 of the *Petroleum and Natural Gas Act*, the Board orders as follows:

1. Upon payment of the amounts set out in paragraphs 3 and 4, Encana Corporation shall have the Right of Entry to and access across the portions of lands legally described as THE SOUTH WEST ¼ OF SECTION 21 TOWNSHIP 80 RANGE 17 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT: EXCEPT THE WESTERLY 14 FEET AND PLAN 26071 as shown on the individual ownership plan attached as Appendix "A" (the "Lands") for the purpose of completing any necessary assessments the Oil and Gas Commission Well Permit requires and for the purpose of drilling, completing and operating a six well pad site.
2. Encana Corporation's right of entry shall be subject to the terms and conditions attached as Appendix "B" to this right of entry Order.
3. Encana Corporation shall deliver to the Surface Rights Board security in the amount of \$10,000.00 by cheque made payable to the Minister of Finance. All or part of the security deposit may be returned to Encana Corporation, or paid to the Respondents, upon agreement of the parties or as ordered by the Board.

4. Encana Corporation shall pay to the Respondents as partial payment for compensation the amount of \$15,000.00 representing a portion of the first year's initial payment.
5. Nothing in this Order operates as a consent, permission, approval, or authorization of a matter within the jurisdiction of the Oil and Gas Commission.

DATED: November 16, 2012

FOR THE BOARD

A handwritten signature in black ink, appearing to read "Rob Fraser", written in a cursive style.

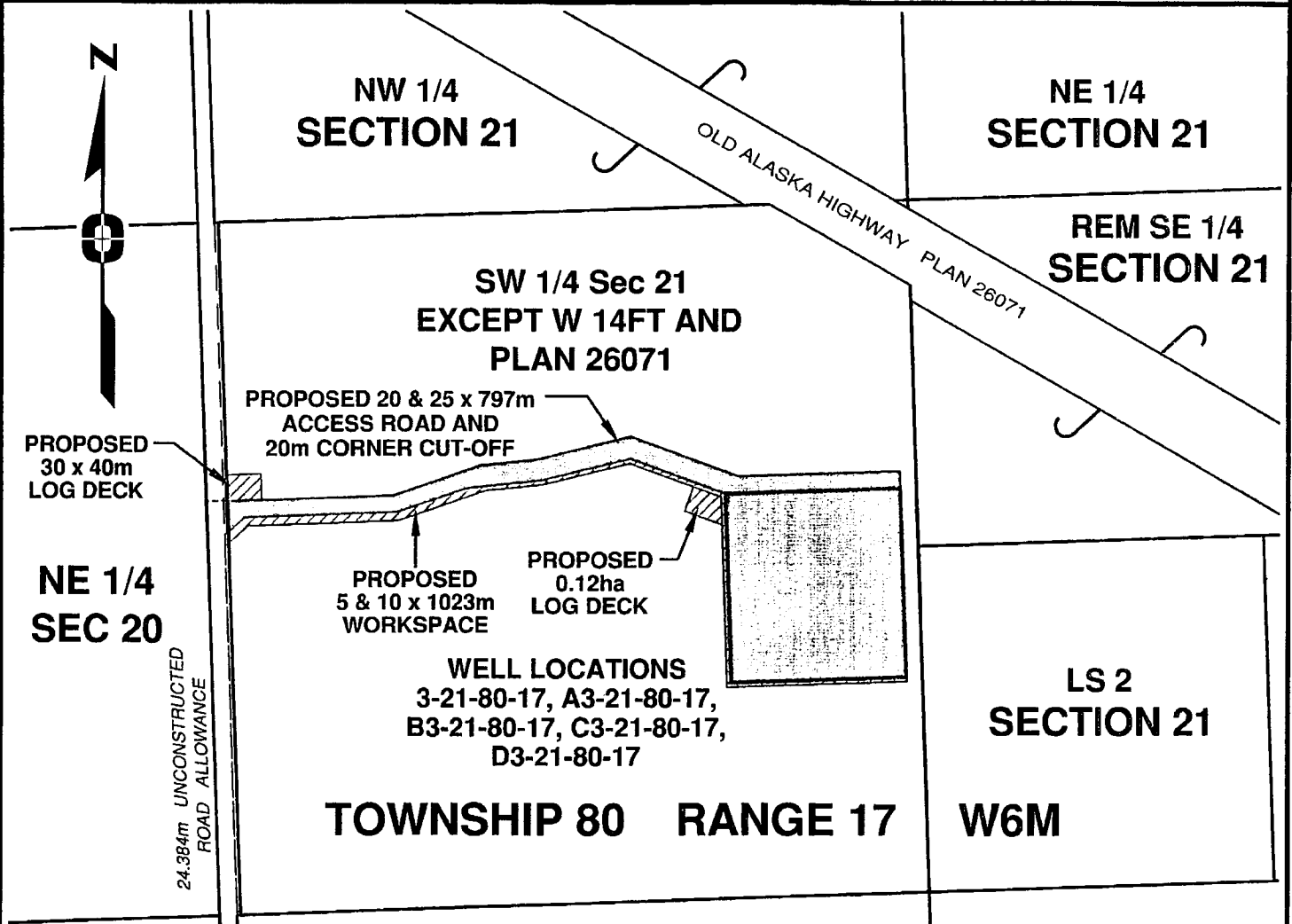
Rob Fraser
Mediator

SCHEDULE "A"

Page ___ of ___

Attached to and made part of this Agreement dated this ___ day of ___, 20___, between Joseph Magusin and Juliette Louiseala Magusin (Lessor) and Encana Corporation (Lessee).

**INDIVIDUAL OWNERSHIP PLAN SHOWING
PROPOSED WELLSITE AND ACCESS WITHIN THE SOUTH WEST 1/4 OF SECTION 21
TOWNSHIP 80 RANGE 17 W6M EXCEPT THE WESTERLY 14 FEET AND PLAN 26071
PEACE RIVER DISTRICT**



Owner(s): Joseph Magusin
Juliette Louiseala Magusin

Title No: L25014

Parcel Identifier: 014-597-926

Landowner File: S463091

EnCana File(s): S463091, S463435, S463436
S463437, S463438

100 0 100 200 300 400 500

The intended plot size of this plan is 216mm in width by 280mm in height when plotted at a scale of 1: 7500 (use letter size sheet)

Certified correct this 22nd day of February, 2011

[Signature]

Adam Brash, BCLS

| Areas | | |
|--------------|--|---------------------------|
| Permanent | | 6.25 ha 15.44 ac |
| Temporary | | 0.90 ha 2.22 ac |
| Total | | 7.15 ha 17.66 ac |

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Focus Surveys
FCS Land Services Limited Partnership

Focus Job No: 110017NP01R0

Ref Dwg: 110017WS01R0

Drafter: DG

Appendix "B"
Order 1769-1

Conditions for Right of Entry

1. Encana Corporation will install a gate at the beginning of its wellsite access road where the property line meets the road allowance.
2. Encana Corporation will install a fence around the perimeter of the wellsite and access road.