

File No. 1840
Board Order No. 1840-1amd

November 25, 2014

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 EAST ¼ OF SECTION 31 TOWNSHIP 78 RANGE 16 WEST OF
THE 6TH MERIDIAN PEACE RIVER DISTRICT
(The "Lands")

BETWEEN:

Encana Corporation

(APPLICANT)

AND:

Wilhelmina Lumnitzer and
Fred Ralph Lumnitzer

(RESPONDENTS)

BOARD ORDER

This Order is to replace the Board's Order issued November 19, 2014 which attached, in error, an incorrect IOP as Appendix "A". Order 1840-1 is cancelled and replaced with this Order.

I conducted telephone mediation conference calls on September 11, 2014 and November 11, 2014.

Encana Corporation seeks right of entry over the Lands owned by Wilhelmina Lumnitzer and Fred Lumnitzer to construct, operate and maintain flow lines. The Oil and Gas Commission has issued a permit authorizing the construction of the flow lines.

I am satisfied that Encana Corporation requires access to the Lands for an approved oil and gas activity. The parties have not agreed on the compensation payable to Wilhelmina Lumnitzer and Fred Lumnitzer; an order for partial compensation is made below.

THE SURFACE RIGHTS BOARD ORDERS:

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 EAST ¼ OF SECTION 31 TOWNSHIP 78 RANGE 16
WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT** as
shown on the individual ownership plan attached as Appendix "A"
(the "Lands")

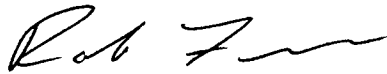
to carry out an approved oil and gas activity, namely the construction, operation, and maintenance of multiple flow lines and associated works.

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 \$2,500.00 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 landowner, upon agreement of the parties or as ordered by the Board.

4. **Encana Corporation** shall pay to the landowner as partial payment for compensation the amount of \$16,300.00 representing 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 25, 2014

FOR THE BOARD



Rob Fraser, Mediator

Schedule "A"

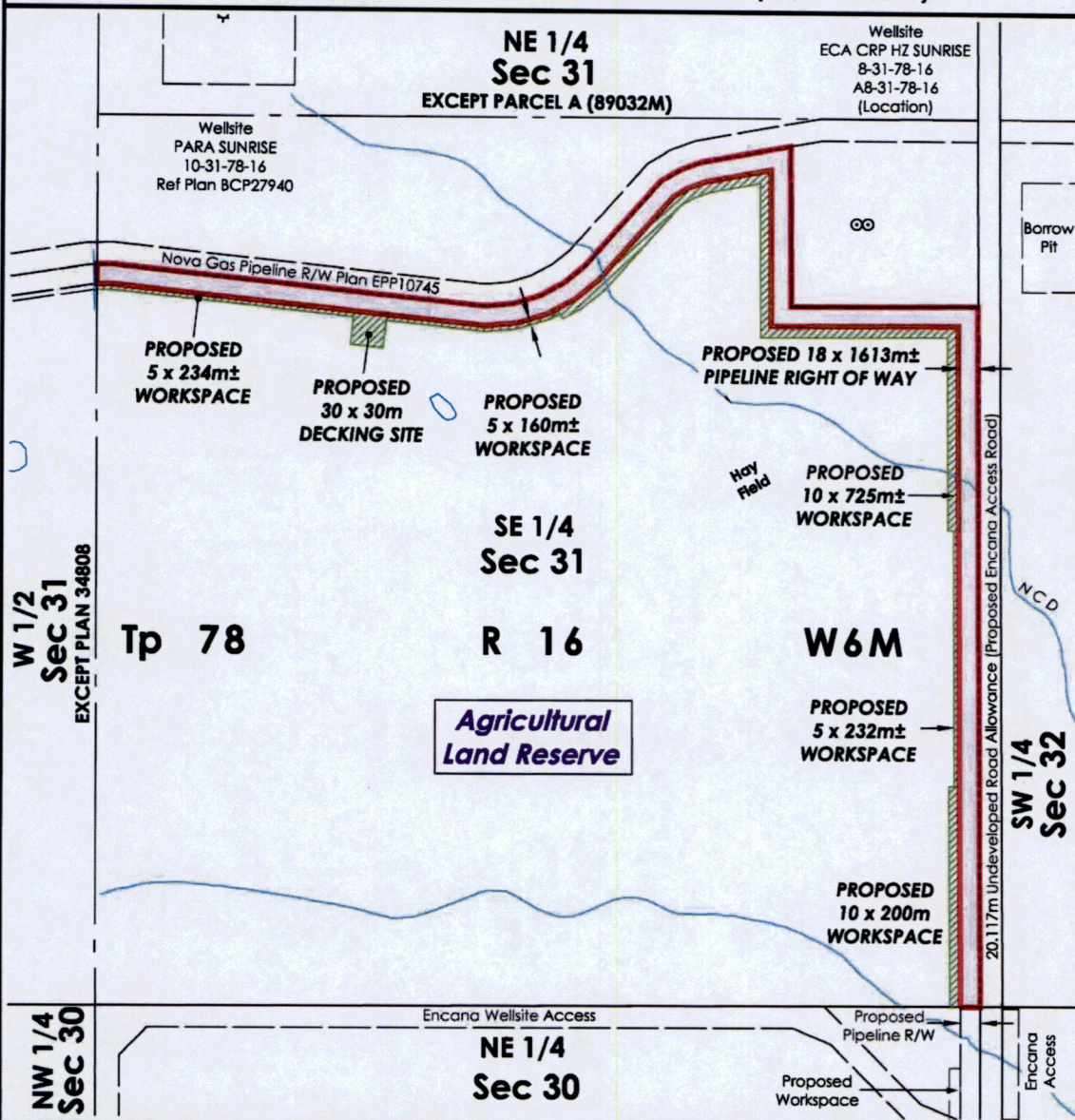
Page ___ of ___

Attached to and made part of this Agreement dated this ___ day of ___, 20___, between

Wilhelmina Lumnitzer & Fred Ralph Lumnitzer (Lessor) and Encana Corporation (Lessee).

**ENCANA CORPORATION
INDIVIDUAL OWNERSHIP PLAN
SHOWING PROPOSED
18m PIPELINE R/W, WORKSPACES & DECKING SITE IN
SE 1/4 Sec 31, Tp 78, R 16, W6M
PEACE RIVER DISTRICT**

(Associated with Pipeline R/W from Wellsite 5-29-78-16 to Facility Site 16-36-78-17)



TITLE No.: BB1135647 P.I.D. No.: 014-328-950
OWNER(S): WILHELMINA LUMNITZER
FRED RALPH LUMNITZER

LEGEND

SCALE = 1 : 5,000

Permanent Portions referred to:

Temporary Portions referred to:

Notes: Distances shown are in metres.

Certified correct this
21st day of April, 2014

Chris R. Sakundiak

Chris R. Sakundiak, BCLS

Permanent		2.90 ha	7.17 ac
Temporary		1.33 ha	3.28 ac
TOTAL:		4.23 ha	10.45 ac

NO	DATE	REVISION	DRN	CKD
0	13/07/23	Original plan issued	AB	CS
1	13/12/13	Extended Pipeline R/W	RC	CS
1	14/04/17	Revised Workspaces	MM	CS

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CAN-AM FILE: J20130398

CAD FILE: J20130398IOP5-2

Client File No.: 5468103

AFE No.: 14173031

Land File No.:

REVISION
2

Appendix "B"

Conditions for Right of Entry

1. **Encana Corporation** must notify the landowner forty-eight (48) hours prior to entry onto the said lands.