

**File No. 1843**  
**Board Order No. 1843-1**

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**July 7, 2015**

**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 33 TOWNSHIP 79 RANGE 17  
WEST OF THE SIXTH MERIDIAN PEACE RIVER DISTRICT  
(the "Lands")

BETWEEN:

Encana Corporation

(APPLICANT)

AND:

Andrew George Neis  
Michelle Amanda Derfler

(RESPONDENTS)

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**BOARD ORDER**

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Encana Corporation ("Encana") seeks a right of entry order to access certain lands legally owned Andrew George Neis and Michelle Amanda Derfler to carry out an approved oil and gas activity, namely to construct and operate a pipeline project within a right of way located on the Lands.

I conducted a telephone mediation on September 9, 2014. The Landowners did not attend. In my results letter I said:

*I asked Encana to prepare a draft of the Right of Entry Order and circulate it to the Landowners so they know exactly what Encana is proposing.*

*Once the Landowners have this draft they may:*

- 1. Agree with the project and enter into a right of way agreement with Encana;*
- 2. Agree with the project but ask the Board to issue a consent Right of Entry Order;*
- 3. Object to the project and reject the content of the draft order.*

On November 3, 2014, Encana produced the draft order to the Landowners.

Encana asked the Board to issue the right of entry order as the Landowners have had time to consider the draft and have not responded. I attempted to contact the Landowners to determine whether they agreed but received no response.

Under the provisions of the *Petroleum and Natural Gas Act*, the Board may grant a right of entry order to privately owned land if it is satisfied that an order authorizing entry is required for an oil and gas activity. "Oil and gas activity" is a defined term that includes the construction or operation of a pipeline.

Based on my review of the application and also on the fact that the Oil and Gas Commission has issued a permit for Encana's project, I am satisfied that Encana requires the Lands for an approved oil and gas activity.

Compensation has not been resolved and remains an issue for mediation.

**ORDER:**

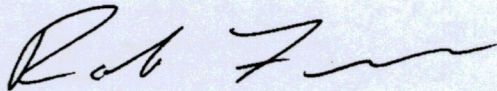
1. Upon payment of the amounts set out in paragraphs 3 and 4, **Encana Corporation** shall have the Right of Entry to and access across the portions of lands legally described as **THE SOUTH WEST ¼ OF SECTION 33 TOWNSHIP 79 RANGE 17 WEST OF THE SIXTH MERIDIAN PEACE RIVER DISTRICT** as shown on the individual 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 \$8,700.00 representing the partial payment 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 July 7, 2015

FOR THE BOARD



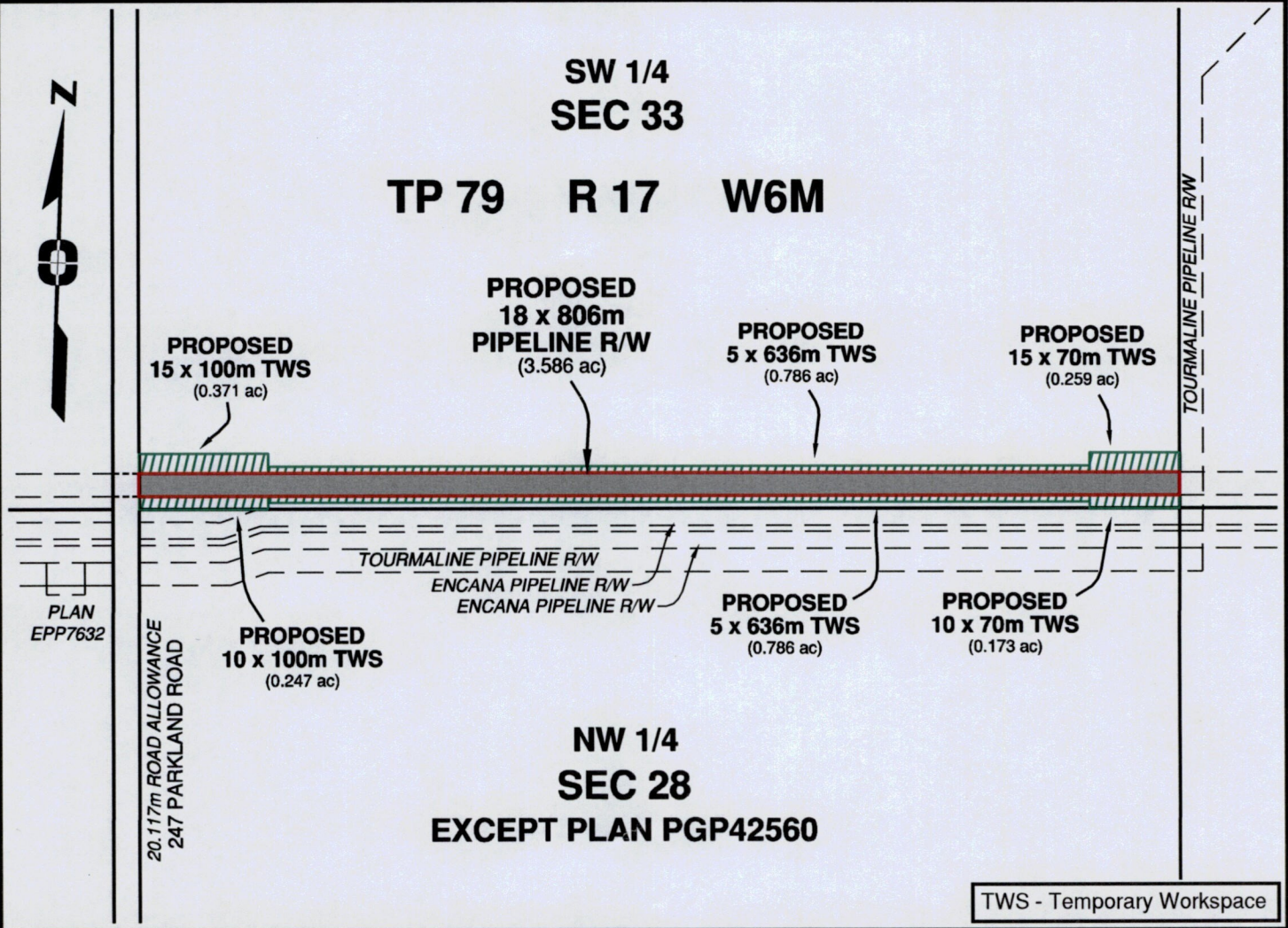
Rob Fraser, Mediator

**SCHEDULE "A"**

Attached to and made part of this Agreement dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, between Andrew George Neis and Michelle Amanda Derfler (Grantor) and Encana Corporation (Grantee).

**INDIVIDUAL OWNERSHIP PLAN SHOWING  
PROPOSED PIPELINE RIGHT OF WAY AND ANCILLARY SITES WITHIN THE  
SOUTH WEST 1/4 OF SECTION 33, TOWNSHIP 79, RANGE 17, W6M  
PEACE RIVER DISTRICT**

(Associated with Pipeline R/W from Wellsite 13-29-79-17 to Compressor Site 15-27-79-17)



**Owner(s):** Andrew George Neis  
Michelle Amanda Derfler

**Title No:** CA2967439

**Parcel Identifier:** 013-633-911

**Landowner File:** S467521

**Encana File(s):** S467442

100 0 100 200 300 400

The intended plot size of this plan is 216mm in width by 280mm in height when plotted at a scale of 1: 5000 (use letter size sheet)

Certified correct this 20th day of March, 2014

*B. K. Doherty*

B.K. Doherty, BCLS

Areas			
Permanent		1.451 ha	3.586 ac
Temporary		1.061 ha	2.622 ac
<b>Total</b>		<b>2.512 ha</b>	<b>6.208 ac</b>

**FOCUS**  
FCS Land Services Limited Partnership  
10716 - 100th Avenue Fort St John BC  
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**Focus Job No:** 130084NP04R1  
**Ref Dwg:** 130084CP01R2  
**Drafter:** KG

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.