

File No. 1844
Board Order No. 1844-1

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 34 TOWNSHIP 79 RANGE 17 WEST OF
THE 6TH MERIDIAN PEACE RIVER DISTRICT
THE SOUTH EAST ¼ OF SECTION 33 TOWNSHIP 79 RANGE 17 WEST OF
THE 6TH MERIDIAN PEACE RIVER DISTRICT
(the "Lands")

BETWEEN:

Encana Corporation

(APPLICANT)

AND:

Lila Evangeline Derfler
Brian Ernest Derfler

(RESPONDENTS)

BOARD ORDER

Encana Corporation ("Encana") seeks a right of entry order to access certain lands legally owned Lila Evangeline Derfler and Brian Ernest 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 asked Encana to produce a draft right of entry order to the Landowners. On November 6, 2014, Encana complied.

Neither the Board nor Encana have received any comments from the Landowners regarding the draft right of entry.

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 27 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 payment for compensation the amount of \$3,700.00 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

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

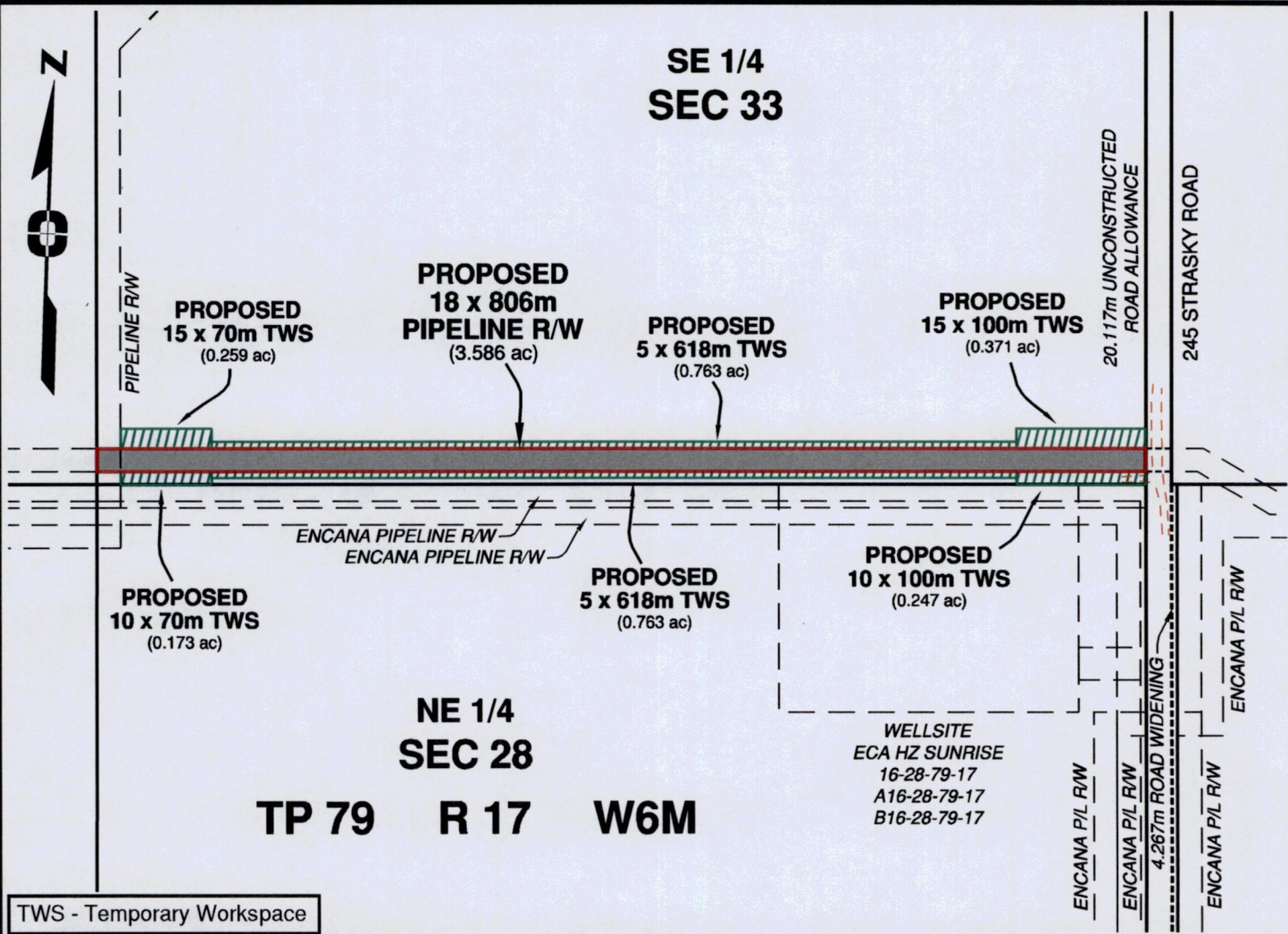
Rob Fraser, Mediator

SCHEDULE "A"

Attached to and made part of this Agreement dated this _____ day of _____, 20____, between Lila Evangeline Derfler and Brian Ernest Derfler (Grantor) and Encana Corporation (Grantee).

**INDIVIDUAL OWNERSHIP PLAN SHOWING
PROPOSED PIPELINE RIGHT OF WAY AND ANCILLARY SITES WITHIN THE
SOUTH EAST 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)



TWS - Temporary Workspace

Owner(s): Lila Evangeline Derfler
Brian Ernest Derfler

Title No: BB4061234

Parcel Identifier: 014-581-990

Landowner File: S467522

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		1.043 ha 2.576 ac
Total		2.494 ha 6.162 ac

FOCUS
FCS Land Services Limited Partnership
10716 - 100th Avenue Fort St John BC
V1J 1Z3 250.787.0300 www.focus.ca

Focus Job No: 130084NP05R1
Ref Dwg: 130084CP01R2
Drafter: KG

AppA
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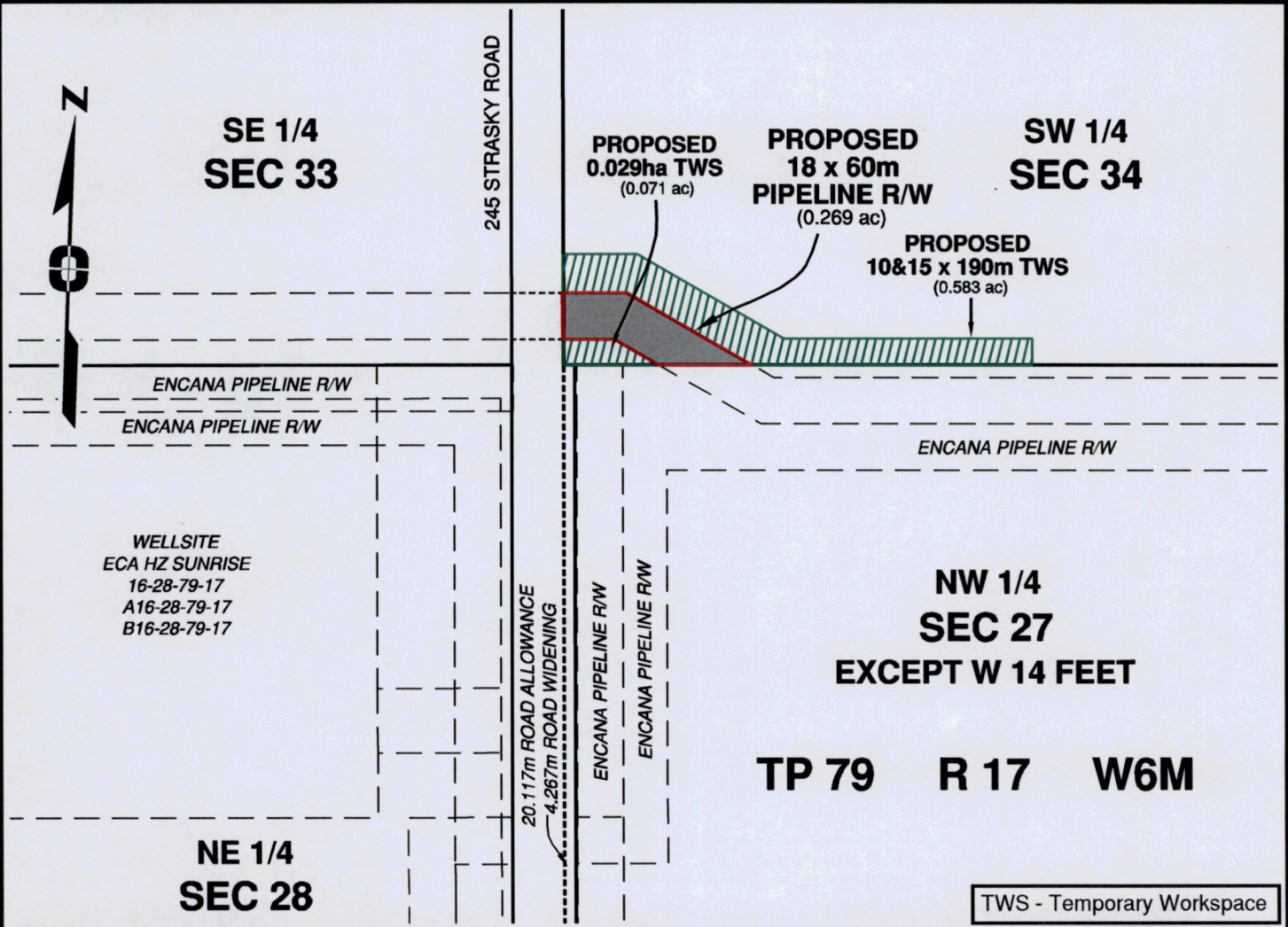
SCHEDULE "A"

Page ___ of ___

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**INDIVIDUAL OWNERSHIP PLAN SHOWING
PROPOSED PIPELINE RIGHT OF WAY AND ANCILLARY SITES WITHIN THE
THE SOUTH WEST 1/4 OF SECTION 34, 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): Lila Evangeline Derfler
Brian Ernest Derfler

Title No: BB4061235

Parcel Identifier: 014-581-981

Landowner File: S467522

Encana File(s): S467442

50 0 50 100 150 200

The intended plot size of this plan is 216mm in width by 280mm in height when plotted at a scale of 1: 2500 (use letter size sheet)

Certified correct this 20th day of March, 2014

B. K. Doherty

B.K. Doherty, BCLS

Areas			
Permanent		0.109 ha	0.269 ac
Temporary		0.265 ha	0.654 ac
Total		0.374 ha	0.923 ac

FOCUS
FCS Land Services Limited Partnership
10716 - 100th Avenue Fort St John BC
V1J 1Z3 250.787.0300 www.focus.ca

Focus Job No: 130084NP06R1
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.