

File No. 1852
Board Order No. 1852-3

June 24, 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 NORTH WEST ¼ SECTION 29 TOWNSHIP 79 RANGE 17 WEST OF
THE SIXTH MERIDIAN PEACE RIVER DISTRICT
(the "Lands")**

BETWEEN:

Encana Corporation

(APPLICANT)

AND:

Olaf Anton Jorgensen

(RESPONDENT)

BOARD ORDER

Encana Corporation (“Encana”) seeks a right of entry order to access certain lands legally owned by Olaf Anton Jorgensen to carry out an approved oil and gas activity, namely to construct and operate a pipeline project with multiple segments located partially within the Lands.

On April 14, 2015 I conducted a mediation dealing with Encana’s application to the Board for mediation and arbitration services. During the mediation the Landowners challenged the Board’s jurisdiction over one of the pipelines characterized as a “sales line”. I referred this question back to the Board for adjudication and on June 15, 2015 the Board issued Order No. 1852/1853-1 finding that the Board has jurisdiction over this pipeline.

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 our discussions 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.

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 NORTH WEST ¼ SECTION 29 TOWNSHIP 79 RANGE 17 WEST OF THE SIXTH MERIDIAN PEACE RIVER DISTRICT

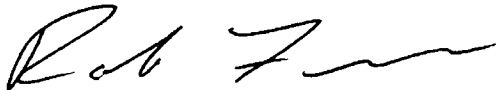
as shown on the individual ownership plan attached as Appendix “A” (the “Lands”) to carry out an approved oil and gas activity, namely the construction, operation, and maintenance of multiple flow lines and associated works.

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 \$2500.00 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 \$3,500.00 representing the first year’s initial payment and prepaid damages.

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 June 24, 2015

FOR THE BOARD

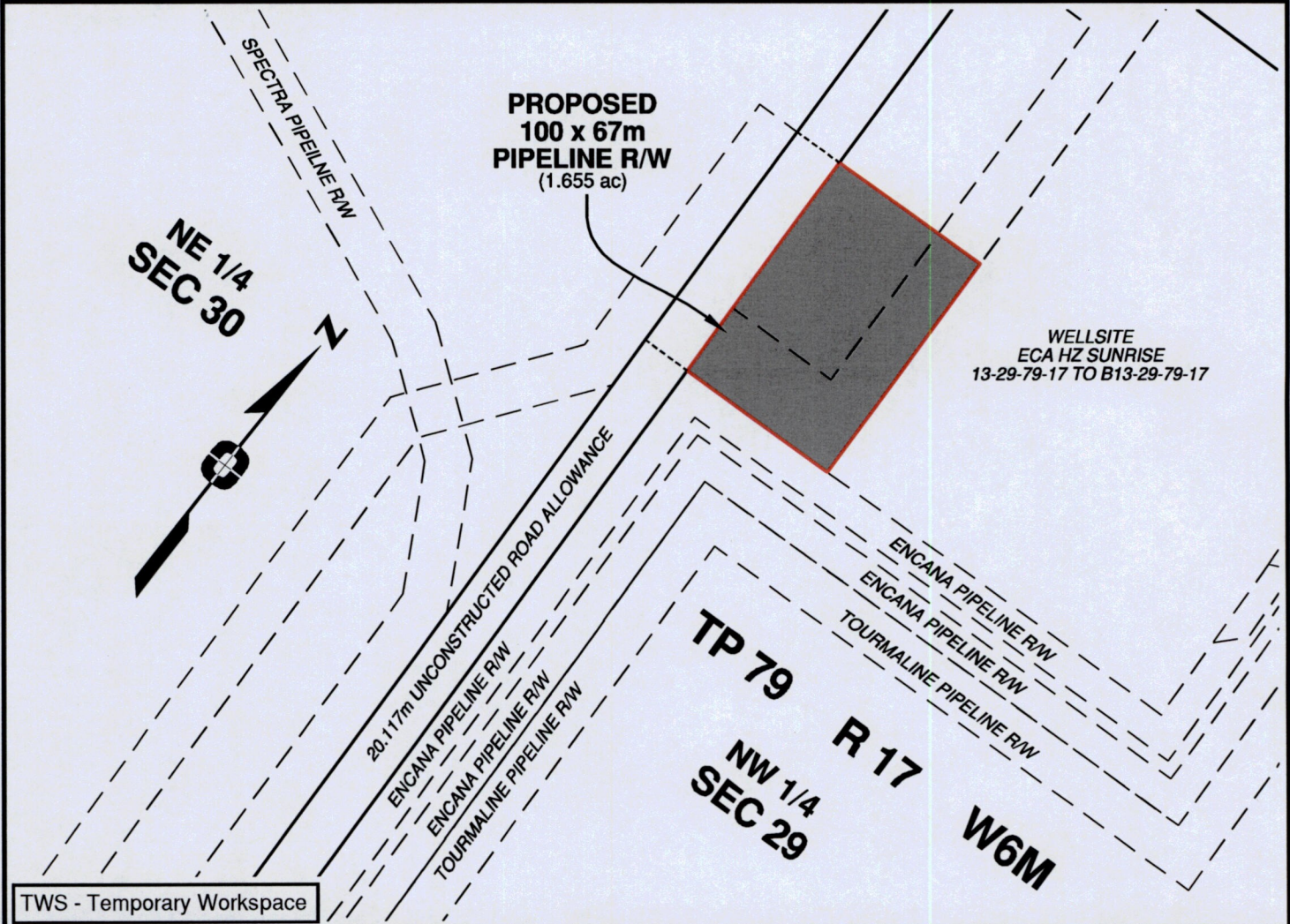
A handwritten signature in black ink, appearing to read "Rob Fraser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rob Fraser, Mediator

SCHEDULE "A"

Attached to and made part of this Agreement dated this ___ day of _____, 20___, between
 Olaf Anton Jorgensen (Grantor) and Encana Corporation (Grantee).

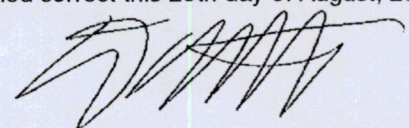
**INDIVIDUAL OWNERSHIP PLAN SHOWING
 PROPOSED PIPELINE RIGHT OF WAY WITHIN THE
 NORTH WEST 1/4 OF SECTION 29, TOWNSHIP 79, RANGE 17, W6M
 PEACE RIVER DISTRICT**
 (Associated with Pipeline R/W from Riser Site 12-25-79-18 to Wellsite 13-29-79-17)





Owner(s): Olaf Anton Jorgensen

Title No: PP29096
Parcel Identifier: 014-486-113
Landowner File: S467516
Encana File(s): S467441

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 August, 2014

 Darrin Connatty, BCLS

Areas			
Permanent		0.670 ha	1.655 ac
Temporary		0.000 ha	0.000 ac
Total		0.670 ha	1.655 ac

FOCUS
 Focus Surveys (BC) Limited Partnership
 10716 - 100th Avenue Fort St John BC
 V1J 1Z3 250.787.0300 www.focus.ca

Focus Job No: 130078NP07R5
Ref Dwg: 130078CP01R6
Drafter: DCG

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.