

**May 31, 2017**

**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 EAST  $\frac{1}{4}$  OF SECTION 30 TOWNSHIP 79 RANGE 17  
WEST OF THE 6<sup>TH</sup> MERIDIAN PEACE RIVER DISTRICT  
THE SOUTH WEST  $\frac{1}{4}$  OF SECTION 30 TOWNSHIP 79 RANGE 17  
WEST OF THE 6<sup>TH</sup> MERIDIAN PEACE RIVER DISTRICT  
THE SOUTH EAST  $\frac{1}{4}$  OF SECTION 30 TOWNSHIP 79 RANGE 17  
WEST OF THE 6<sup>TH</sup> MERIDIAN PEACE RIVER DISTRICT  
(The "Lands")

BETWEEN:

ENCANA CORPORATION

(Applicant)

AND:

OLAF ANTON JORGENSEN AND  
FRANCIS DIANE JORGENSEN

(Respondents)

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**BOARD ORDER**

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On May 16, 2017, I conducted a telephone conference attended by H. Berscht, S. Wannamaker and L. Olthafer for Encana, and O. and D. Jorgensen, D. Carter, B. Fast and E. Gowman for the Landowners.

Encana applies to the Board for mediation and arbitration services under section 158 of the *Petroleum and Natural Gas Act* regarding their project to construct and operate pipelines on the Lands.

The Oil and Gas Commission (“OGC”) has issued a permit for this project.

During the call the Landowners raised a number of issues, but did not take issue with a draft right of entry order that Encana included as part of their application. Since that call the Landowners have not raised any concerns regarding the wording of the draft.

The Landowners questioned the Board’s jurisdiction to hear this application, arguing that segments of the proposed pipeline were not a “flow line”. The Board received submissions and found that all the proposed pipeline and all of its segments are a “flow line” and that the Board has jurisdiction with respect to the pipeline (see Board Order 1939-1).

The Board is considering submissions respecting the Board’s jurisdiction with respect to the sump. The right of entry order below does not include the sump.

Based on our discussions and because the Oil and Gas Commission has issued a permit for this project I am satisfied that Encana requires a right of entry for an approved oil and gas activity, namely the construction and operation of a pipeline.

The Surface Rights Board orders:

## **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 EAST ¼ OF SECTION 30 TOWNSHIP 79 RANGE 17  
WEST OF THE SIXTH MERIDIAN PEACE RIVER DISTRICT;  
THE SOUTH EAST ¼ OF SECTION 30 TOWNSHIP 79 RANGE 17  
WEST OF THE SIXTH MERIDIAN PEACE RIVER DISTRICT;  
THE SOUTH WEST ¼ OF SECTION 30 TOWNSHIP 79 RANGE 17  
WEST OF THE SIXTH MERIDIAN PEACE RIVER DISTRICT

as shown on the individual ownership plans 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 in

accordance with Oil and Gas Commission Pipeline Permit Determination #100102009; Pipeline Project # 000024376, segments 1, 2, 3 & 4.

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 \$7,850.00 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.

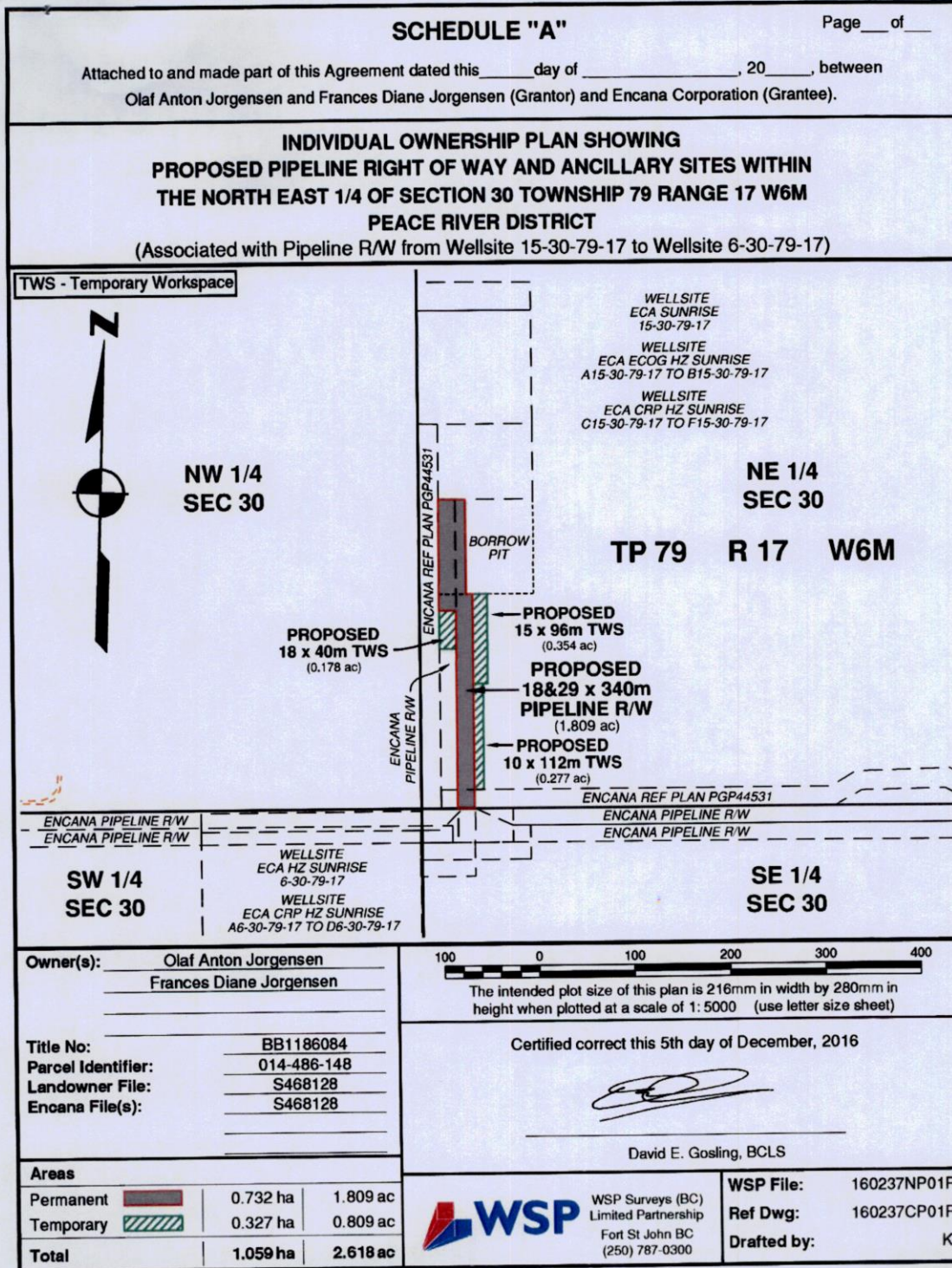
Dated May 31, 2017

FOR THE BOARD

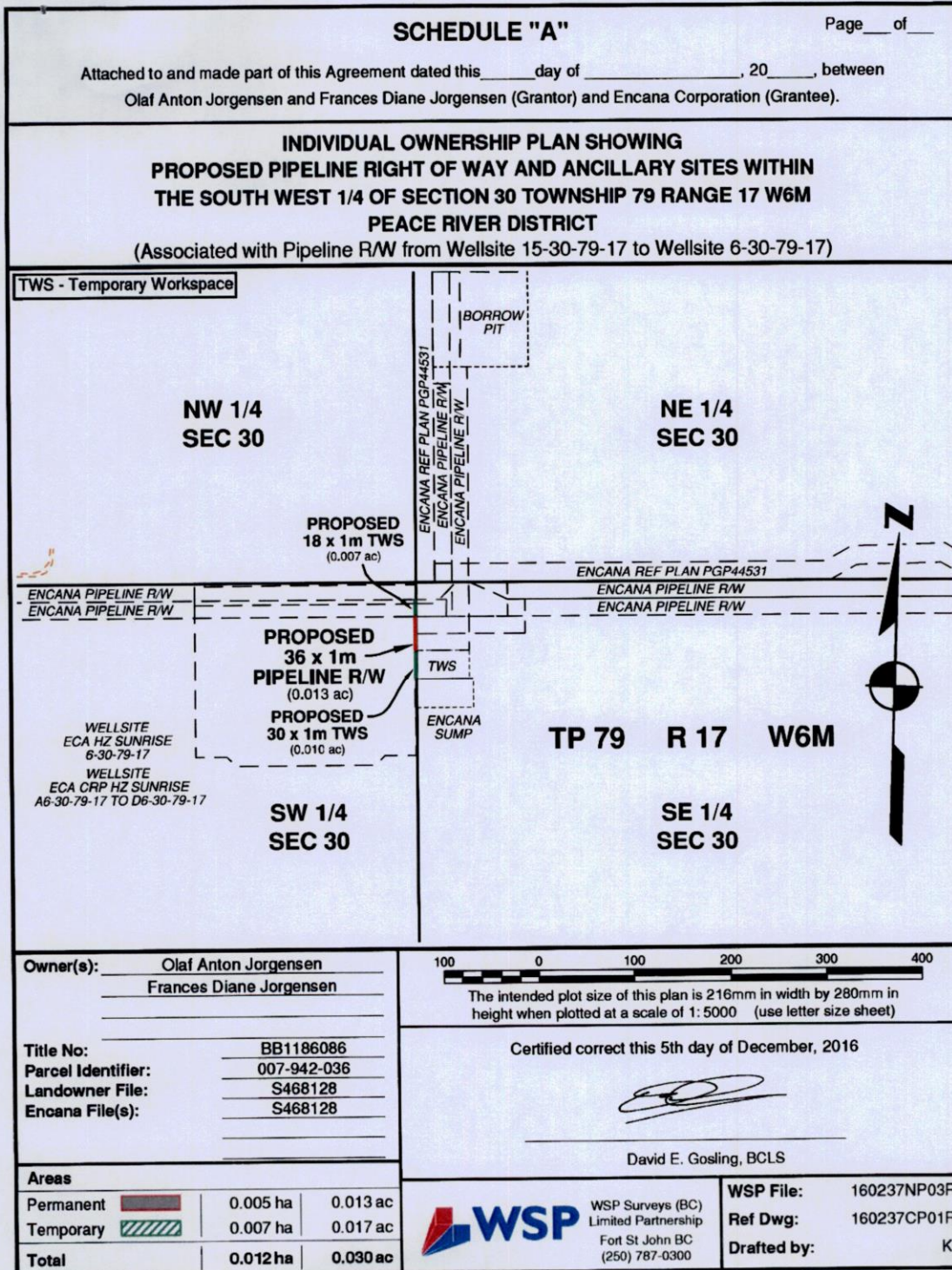
A handwritten signature in black ink, appearing to read "Rob Fraser", written in a cursive style.

Rob Fraser, Mediator

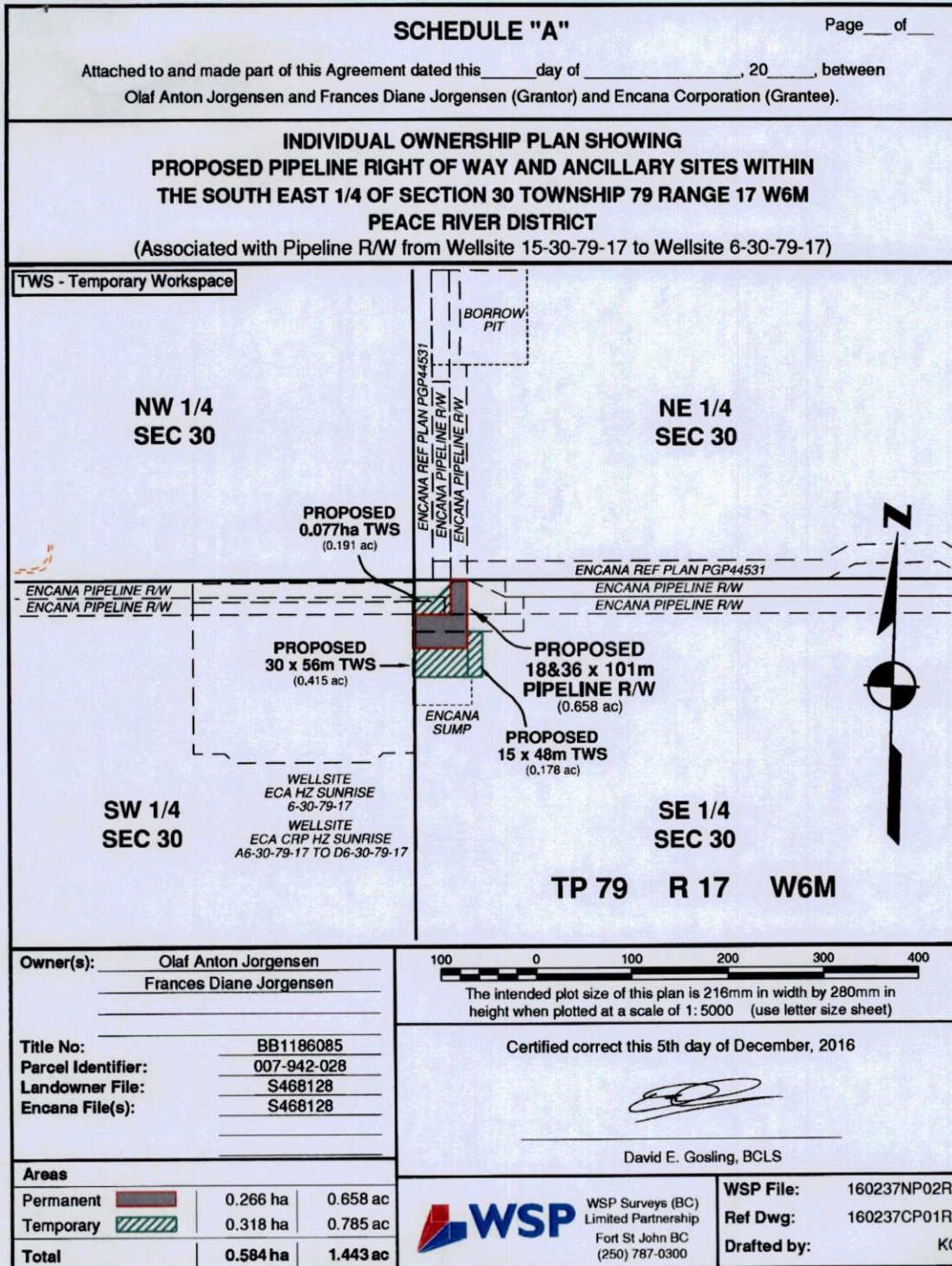
Appendix "A"











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.