

June 2, 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 6TH MERIDIAN PEACE RIVER DISTRICT
THE SOUTH WEST $\frac{1}{4}$ OF SECTION 30 TOWNSHIP 79 RANGE 17
WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT
THE SOUTH EAST $\frac{1}{4}$ OF SECTION 30 TOWNSHIP 79 RANGE 17
WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT
(The "Lands")

BETWEEN:

ENCANA CORPORATION

(Applicant)

AND:

OLAF ANTON JORGENSEN AND
FRANCIS DIANE JORGENSEN

(Respondents)

BOARD ORDER

This Order amends and replaces Order 1939-2 issued May 31, 2017.

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 the gas fuel line is a flow line. The Board received submissions and found that all the pipelines in this project are flow lines (see Board Order 1939-1).

The Landowners also questioned whether the sump identified in an IOP in Encana's application is covered by the OGC's permit. The Board considered submissions on this issue, and found the sump is an "oil and gas activity" and the Board has the jurisdiction to include the sump in the right of entry order (see Board Order 1939-3).

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.

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 June 2, 2017

FOR THE BOARD

A handwritten signature in black ink, appearing to read 'Rob Fraser', written over a horizontal line.

Rob Fraser, Mediator

Appendix "A"

SCHEDULE "A"		Page ___ of ___												
<p>Attached to and made part of this Agreement dated this _____ day of _____, 20____, between Olaf Anton Jorgensen and Frances Diane Jorgensen (Grantor) and Encana Corporation (Grantee).</p>														
INDIVIDUAL OWNERSHIP PLAN SHOWING PROPOSED PIPELINE RIGHT OF WAY AND ANCILLARY SITES WITHIN THE NORTH EAST 1/4 OF SECTION 30 TOWNSHIP 79 RANGE 17 W6M PEACE RIVER DISTRICT (Associated with Pipeline R/W from Wellsite 15-30-79-17 to Wellsite 6-30-79-17)														
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Title No: BB1186084 Parcel Identifier: 014-486-148 Landowner File: S468128 Encana File(s): S468128		<p>Certified correct this 5th day of December, 2016</p> <p>David E. Gosling, BCLS</p>												
<table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th colspan="3">Areas</th></tr></thead><tbody><tr><td>Permanent</td><td></td><td>0.732 ha 1.809 ac</td></tr><tr><td>Temporary</td><td></td><td>0.327 ha 0.809 ac</td></tr><tr><td>Total</td><td></td><td>1.059 ha 2.618 ac</td></tr></tbody></table>		Areas			Permanent		0.732 ha 1.809 ac	Temporary		0.327 ha 0.809 ac	Total		1.059 ha 2.618 ac	<div style="display: flex; align-items: center;"><div><p>WSP Surveys (BC) Limited Partnership Fort St John BC (250) 787-0300</p></div></div> <div style="display: flex; align-items: center;"><div style="width: 50%;"><p>WSP File: 160237NP01R0</p><p>Ref Dwg: 160237CP01R0</p><p>Drafted by: KG</p></div></div>
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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.