

**August 4, 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 WEST 1/4 SECTION 14 TOWNSHIP 88 RANGE 18  
WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT, AND  
THE NORTH EAST 1/4 SECTION 15 TOWNSHIP 88 RANGE 18  
WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT

(the "Lands")

BETWEEN:

Pengrowth Energy Corporation

(APPLICANT)

AND:

Leonard William Peters and  
Tamara Lynn Peters

(RESPONDENTS)

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**BOARD ORDER**

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Telephone Mediation: July 14, 2017

Appearances: Blaine Ham and Hugo Potts for the Applicant, Pengrowth Energy Corporation

David Garner, Barrister and Solicitor, and Leonard William Peters, for the Respondents Leonard William Peters and Tamara Lynn Peters

Mediator: Robert Fraser

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Pengrowth Energy Corporation (the "Applicant") seeks a right of entry order to access certain lands legally owned by Leonard William Peters and Tamara Lynn Peters to fulfil an order from the Oil and Gas Commission (General Order 2017-089) to correct a pipeline release and remediate the Lands.

On July 14, 2017, I conducted a telephone mediation conference call where the parties presented their positions and reached an agreement on access and partial compensation for the Respondents. After considering the input from the Respondents the Applicant produced a draft order. I received no objections to this draft which I have incorporated into this order.

By consent the Board orders:

## **ORDER**

1. Upon payment of the amount set out in paragraph 2, and issuance of a permit from the Oil and Gas Commission, the Applicant shall have the right of entry to and access the portions of the Lands shown outlined in red on the Individual Ownership Plan attached as Appendix "A" to conduct the pipeline repair and the cleanup of the pipeline release and the remediation of the Lands.
2. The Applicant shall pay to the Respondents as partial compensation the total amount of \$6,000.00. This amount is based upon the Applicant's initial estimate of 2.5 acres of affected area and the workspace required for the work. The Applicant shall also pay for compensation for Mr. Peters' time the total amount of \$1,000.00, representing 20 hours of Mr. Peters' time dealing with the spill which were spent to the date of this Order.
3. The Applicant shall also pay the reasonable legal expenses of the Respondents relating to the Applicant's access to the Lands, negotiation of this consent Order and subsequent correction of the release/spill and remediation of the Lands.

4. The Applicant's right of entry shall be subject to the terms and conditions attached as Appendix "B" to this right of entry Order.
5. The Applicant shall deliver to the Surface Rights Board security in the amount of \$2,500 by cheque made payable to the Minister of Finance. All or part of the security deposit may be returned to the Applicant, or paid to the Respondents upon agreement of the parties or as ordered by the Board.
6. Nothing in this order operates as a consent, permission, approval, or authorization of matters within the jurisdiction of the Oil and Gas Commission.

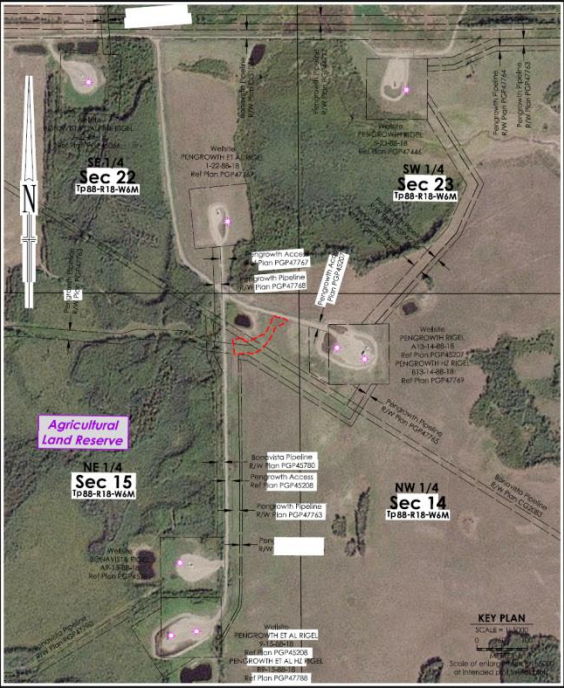
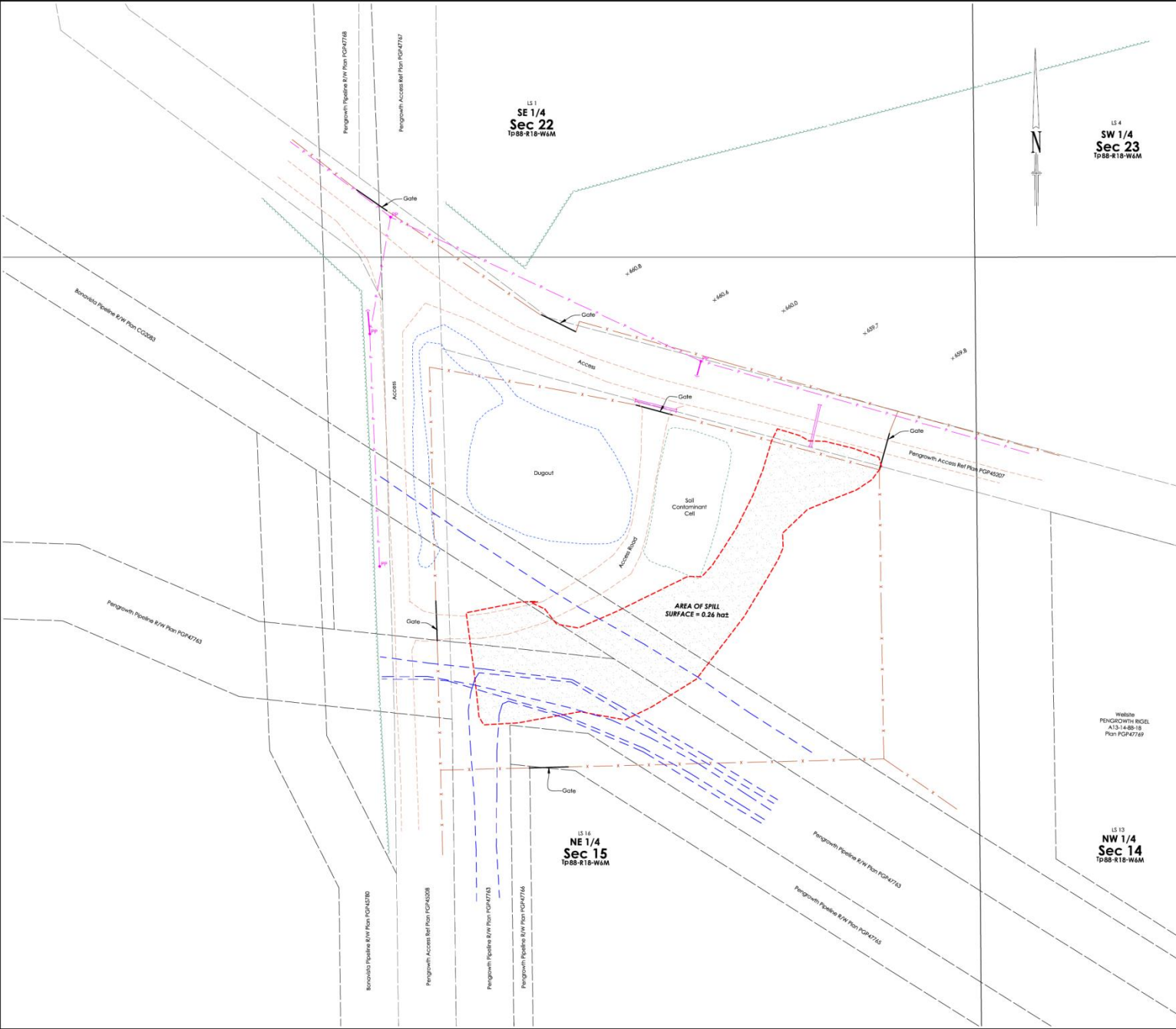
Dated: August 4, 2017

FOR THE BOARD

A handwritten signature in black ink, appearing to read "Rob Fraser", with a stylized flourish at the end.

Rob Fraser, Mediator

Appendix "A"



**NOTES:**  
All underground facilities shown were located with electronic location and may be subject to error. Actual locations should be verified independently by the contractor in field prior to any crossings.  
The field survey represented by this plan was completed on the 22th day of July, 2017.

| LEGEND:             |                        |                     |                            |
|---------------------|------------------------|---------------------|----------------------------|
| Abandoned Well      | Well Head              | Well Location       | Texas Gate                 |
| Culvert             | Crossing Numbers       | Diameter            | Riser                      |
| Blind End of Signal | Above ground pipe      | Butted Pipe         |                            |
| Fence line          | A.L.R. boundary        | Cut block boundary  | Top of bank/break in slope |
| Bush Line           | Stream                 | Salient Line        | Powerpole & guy wire       |
| Butted Cable        | Butted Telephone Cable | Overhead Powerlines |                            |

| No. | REVISIONS            | BY | DATE     | CKD |
|-----|----------------------|----|----------|-----|
| 0   | Original Plan Issued | DL | 17/07/28 | KB  |
|     |                      |    |          |     |
|     |                      |    |          |     |
|     |                      |    |          |     |

**PENGROWTH ENERGY CORPORATION**

**AS-BUILT PLAN SHOWING  
SPILL SITE WITHIN  
16-15-88-18**

**can-am geomatics**  
Rt 11, John, S.C.  
Phone: 252.787.7171  
www.canam.com

**PENGROWTH**

FIELD:  
CAN-AM FILE: 20171936  
CLIENT FILE:  
APE No.:  
CAD FILE: 20171936A8.0  
LAND FILE:  
DATE: 17/07/28

BCGS 94A.D67  
SCALE = 1 : 500  
0 10 20 30  
METERS  
SHEET 1 OF 1

APPROVED BY  
PROJECT ENGINEER

REVISION  
0

## **Appendix “B”**

### **CONDITIONS FOR RIGHT OF ENTRY**

1. The access to the Lands will only be by the Applicant's employees, contractors and agents.
2. The Applicant will provide to the Respondents copies of any and all interim spill remediation reports that may be generated, outlining the location and extent of the spill and including the chemical composition of the spilled material, measures taken to contain, repair and or clean up the spill and remediate the Lands, and any and all final remediation reports.
3. The Applicant will return the Lands to a state and condition in keeping with their use at the time of the spill.
4. The Applicant will be responsible for fencing off the spill site to protect the Respondents' livestock and in that regard will consult with the land owners and the Respondents in discharging this responsibility.
5. The Applicant will ensure that no lien arises for work carried out under a right of entry against the registered owner(s) over which the right of entry was exercised. If a builder's lien claim is filed against the Lands as a result of the work being carried out by the Applicant on the Lands, the Applicant will cause the lien to be removed, either by way of paying the lien claimant or by paying the amount claimed, into court in accordance with s. 23 of the *Builders Lien Act*.