

File No. 1968
Board Order No. 1968-1

July 10, 2018

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 $\frac{1}{4}$ OF SECTION 30 TOWNSHIP 79 RANGE 17 WEST OF THE
SIXTH MERIDIAN PEACE RIVER DISTRICT
THE SOUTH EAST $\frac{1}{4}$ OF SECTION 30 TOWNSHIP 79 RANGE 17 WEST OF THE
SIXTH MERIDIAN PEACE RIVER DISTRICT

(The "Lands")

BETWEEN:

Encana Corporation

(APPLICANT)

AND:

Olaf Anton Jorgensen and Frances Diane Jorgensen

(RESPONDENTS)

BOARD ORDER

Encana Corporation (“Encana”) seeks a right of order to access certain lands legally owned by Olaf Anton Jorgensen and Frances Diane Jorgensen to carry out an approved oil and gas activity, namely the construction, operation and maintenance of flowlines and associated infrastructure.

The project involves a permanent right of way over 3.765 acres and 5.403 acres of temporary work space.

The Oil and Gas Commission (“OGC”) has issued a permit for this project identified in their records by Application Determination Number 100104589.

Mr. Jorgensen objects to the right of entry order including temporary work space. The Board is satisfied that it has the jurisdiction to issue a right of entry order for an “oil and gas activity” which includes the construction of a pipeline. I am satisfied that the temporary work space is required for the construction of the pipeline and is therefore part of an “oil and gas activity”.

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. The Board is satisfied that Encana requires entry to the Lands for an approved oil and gas activity, namely completing the project authorized by the Oil and Gas Commission.

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 SOUTH WEST 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

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 in accordance with Oil and Gas Commission permit 100104589.

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 \$15,000.00 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.

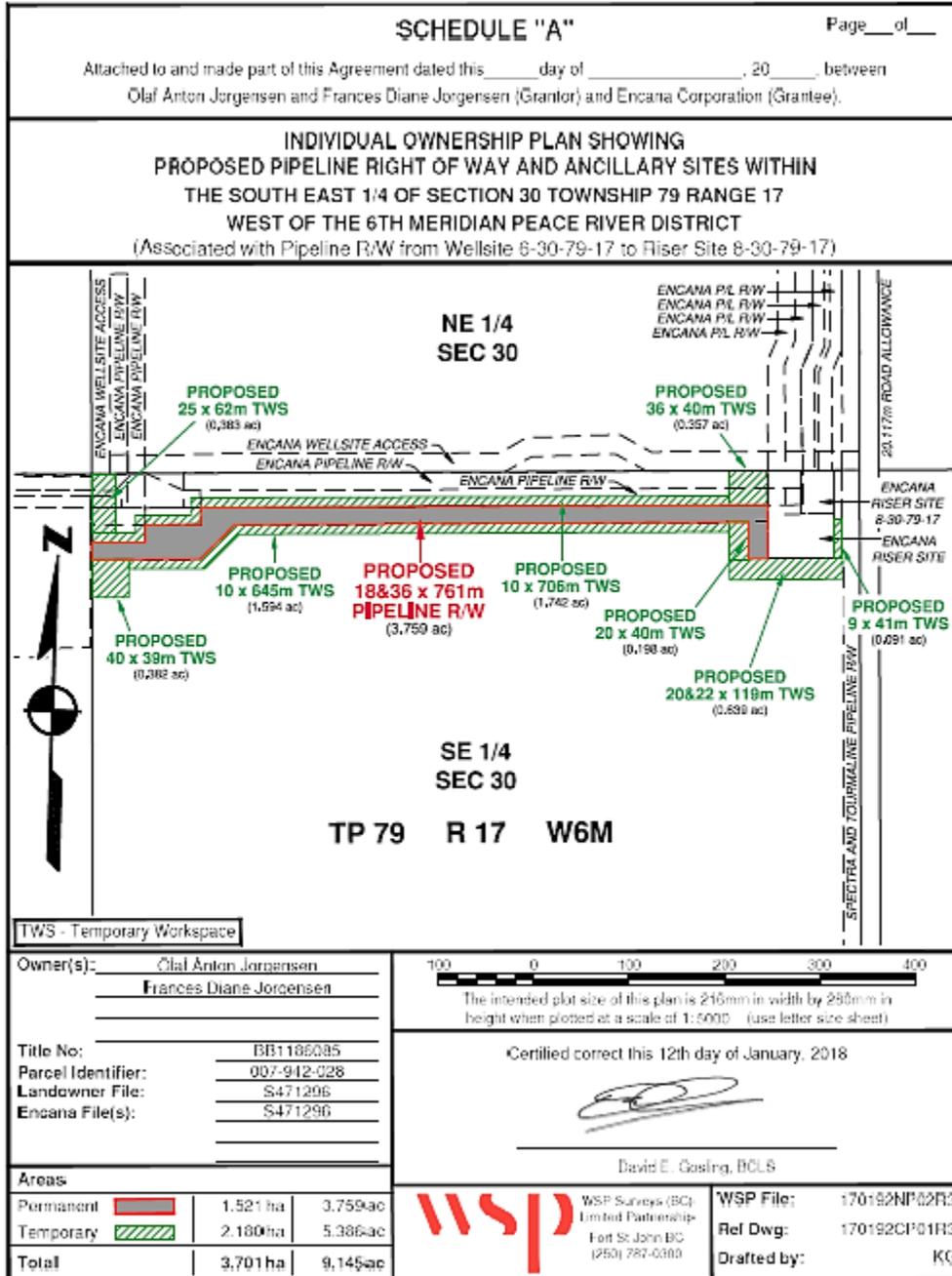
DATED: July 10, 2018

FOR THE BOARD

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

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.