

**File Nos. 1674  
Board Order 1674-1**

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**December 23, 2010**

**SURFACE RIGHTS BOARD**

**IN THE MATTER OF THE PETROLEUM AND NATURAL GAS  
ACT, R.S.B.C. AS AMENDED**

**AND IN THE MATTER OF**

**SW 1/4 of Section 11, Township 78, Range 16, W6M**

**(The "Lands")**

**BETWEEN:**

**SPECTRA ENERGY MIDSTREAM CORPORATION**

**(APPLICANT)**

**AND:**

**ROBERT GORDON TUCKER AND SHERILYN LEE TUCKER**

**(RESPONDENTS)**

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**BOARD ORDER**

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Heard by telephone conference: December 13 and 23, 2010  
Mediator: Rob Fraser

Spectra Energy Midstream Corporation ("Spectra") seeks a right of entry order to construct, operate and maintain a flow line across certain lands legally owned by Robert Gordon Tucker and Sherilyn Lee Tucker.

I am satisfied that an order authorizing entry to the Lands is required for a purpose described in section 142 (a) to (c) of the *Petroleum and Natural Gas Act*.

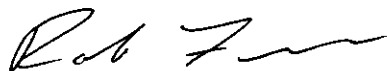
**ORDER**

Pursuant to section 159 of the *Petroleum and Natural Gas Act*, the Board orders as follows:

1. Upon payment of the amounts set out in paragraphs 2 and 3, the Applicant shall have the right of entry to and access across the portion of the Lands shown on the Individual Ownership Plan attached as Appendix "A" for the purpose of constructing, operating, and maintaining a flow line. The Applicant's right of entry shall be subject to the terms and conditions attached as Appendix "B" to this right of entry order.
2. The Applicant 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 the Applicant, or paid to the Respondent, upon agreement of the parties or as ordered by the Board.
3. The Applicant shall pay to the Respondents as partial payment for compensation the amount of \$4,800.00.
4. Nothing in this order operates as a consent, permission, approval, or authorization of matters within the jurisdiction of the Oil and Gas Commission.

Dated: December 23, 2010

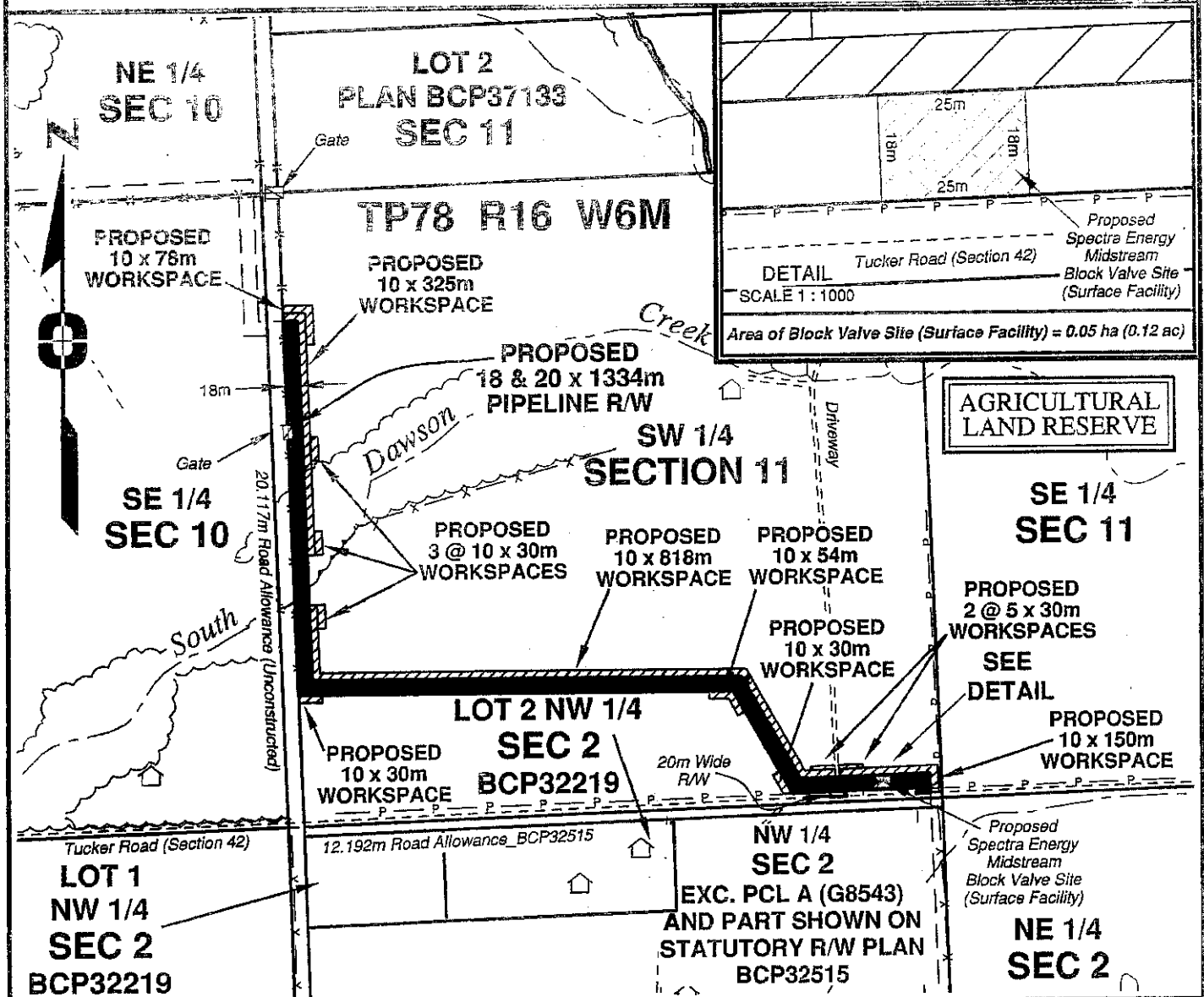
FOR THE BOARD



Rob Fraser, Mediator

APPENDIX "A"

INDIVIDUAL OWNERSHIP PLAN SHOWING  
 PROPOSED 18 & 20m PIPELINE R/W  
 WITHIN THE SOUTH WEST 1/4 OF SECTION 11 TOWNSHIP 78 RANGE 16 W6M  
 PEACE RIVER DISTRICT



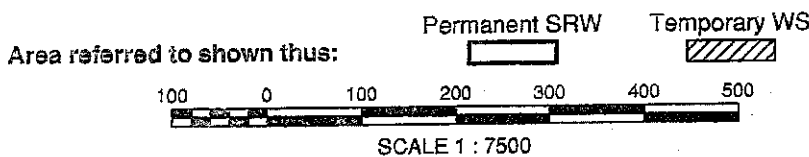
Owner(s): Robert Gordon Tucker  
 Sherilyn Lee Tucker

Title No: PL29745  
 Parcel Identifier: 014-328-143  
 Company File:

Area(s):			
Permanent Statutory Right-of-Way	2.41 ha	5.96 ac	
Temporary Working Space	1.61 ha	3.98 ac	
<b>Total</b>	<b>4.02 ha</b>	<b>9.94 ac</b>	

Certified correct this 20th day of December, 2010

Adam Brash, BCLS



Focus Job No: 100294NP24R7  
 Date: 2010/12/20  
 Drafter: FR Revision: 7

**FOCUS**  
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## **APPENDIX "B"**

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

1. Spectra will contact the landowner prior to commencing construction of the flow line on the Lands.
2. Spectra shall make all reasonable efforts to contain its operations to the areas indicated on the individual ownership plan, including but not limited to, the travel and movement of personnel, vehicles, equipment, unless otherwise approved by the landowner.
3. Following construction, Spectra will leave the portions of the right-of-way that were previously forage or pasture land ready for seeding, and will otherwise make all reasonable efforts to ensure the right of way is left in a similar condition as the adjoining Lands.
4. Spectra shall make a reasonable effort to prevent the entry and spread of weeds on the Lands caused by Spectra's operations.
5. Should a spill, leak, break, rupture or failure occur in the flow line on the Lands, Spectra, shall, as soon as reasonably possible, notify and inform the landowner of the location of the incident and advise the landowner of the measures being taken to contain, repair, and clean up the spill, leak, break, rupture or failure. Spectra will be permitted immediate access to any of the landowner's surrounding Lands as necessary to contain, repair and clean up the spill, leak, break, rupture or failure.
6. Spectra covenants and agrees to indemnify and save harmless the landowner from liabilities, damages, costs, claims, liens, suits or actions arising directly out of Spectra's operations on the Lands, other than that arising from the willful damage or negligence of the landowner.