

File No. 1697
Board Order # 1697-2

March 7, 2011

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

PARCEL A (P2913) OF SECTION 1 TOWNSHIP 77 RANGE 15
WEST OF THE 6TH MERIDIEN PEACE RIVER DISTRICT

(The "Lands")

BETWEEN:

George Merrick and Irene Merrick

(APPLICANTS)

AND:

EnCana Corporation

(RESPONDENT)

BOARD ORDER
BY CONSENT

On the application of George Merrick and Irene Merrick, without a hearing and
BY CONSENT;

THE BOARD ORDERS THAT:

1. EnCana Corporation concedes liability to pay all of the Applicants' actual reasonable legal fees and disbursements in relation to Surface Rights Board (SRB) File No 1697: *Merrick v. EnCana Corporation*, subject to the provisions of the *Petroleum and Natural Gas Act*, R.S.B.C. 1996, c. 361 and the Rules of the SRB. The Applicants shall withdraw their current application for advance costs and shall not submit any future applications to the SRB in relation to costs, advance or otherwise. The issue of costs shall no longer be before the SRB whether the dispute is settled privately or the SRB makes a decision on the merits. Any dispute over quantum may be submitted by either party to the British Columbia Supreme Court Registrar for review.

The above Order has been approved as to form and consented to by counsel for the Applicants and the Respondent, and is made by the Board at the request of the parties pursuant to section 153 of the *Petroleum and Natural Gas Act* and Rule 16(3) of the Board's Rules.

Dated: March 7, 2011

FOR THE BOARD



Cheryl Vickers, Chair