

File No. 1926
Board Order No.1926-1

January 20, 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 15 TOWNSHIP 80 RANGE 17 WEST OF
THE 6TH MERIDIAN PEACE RIVER DISTRICT, EXCEPT PLAN 26071
PARCEL A (PLAN 28640) OF SECTION 14 TOWNSHIP 80 RANGE 17 WEST
OF THE 6TH MERIDIAN PEACE RIVER DISTRICT

(the "Lands")

BETWEEN:

Encana Corporation

(APPLICANT)

AND:

Peter Derrick Bailey

(RESPONDENT)

BOARD ORDER

On January 18, 2016, I conducted a telephone mediation to discuss Encana Corporation's ("Encana") application for mediation and arbitration services. Encana asks the Board for a right of entry to the Lands in order to construct and operate flowlines.

The Oil and Gas Commission ("OGC") has issued a permit for this project.

Mr. Bailey objects to the routing of this project and has filed an appeal to the Oil and Gas Appeal Tribunal ("OGAT"). He has not applied for a stay of the permit but intends to ask OGAT to amend his application and issue a stay of the permit.

To provide Mr. Bailey time to pursue his alternatives and also to allow Encana to fulfil the requirements of the permit, I declined to issue a right of entry order for the pipeline project but agreed to issue an interim order allowing Encana to perform necessary studies and assessments.

Based on our discussions, supported by the OGC's permit for the pipeline project, I find Encana requires access to the Lands for an approved oil and gas activity.

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 15 TOWNSHIP 80 RANGE 17 WEST OF THE 6TH MERIDIAN, EXCEPT PLAN 26071 PEACE RIVER DISTRICT AND PARCEL A (PLAN 28640) OF SECTION 14 TOWNSHIP 80 RANGE 17 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT** as shown on the individual ownership plans attached as Appendix "A" (the "Lands") to carry out such surveys, examinations, studies and investigations related and preparatory to the construction, operation, and maintenance of multiple flow lines and associated works as approved by the BC Oil and Gas Commission by Pipeline Permit issued on September 30, 2016 ("Approved Oil and Gas Activity") required to:
 - a. fix the site of the Approved Oil and Gas Activity;
 - b. identify any potential artifacts, materials or things protected under section 13(2) of the Heritage Conservation Act; and
 - c. support of the completion of a Schedule 'A' Site Assessment required pursuant to the Agreement between the Provincial Agricultural Land Commission and the BC Oil and Gas Commission dated June 13, 2013.
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 pay to the landowner as partial payment for compensation the amount of \$500.00 representing compensation for the Right of Entry and prepaid damages.

4. 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 January 20, 2017

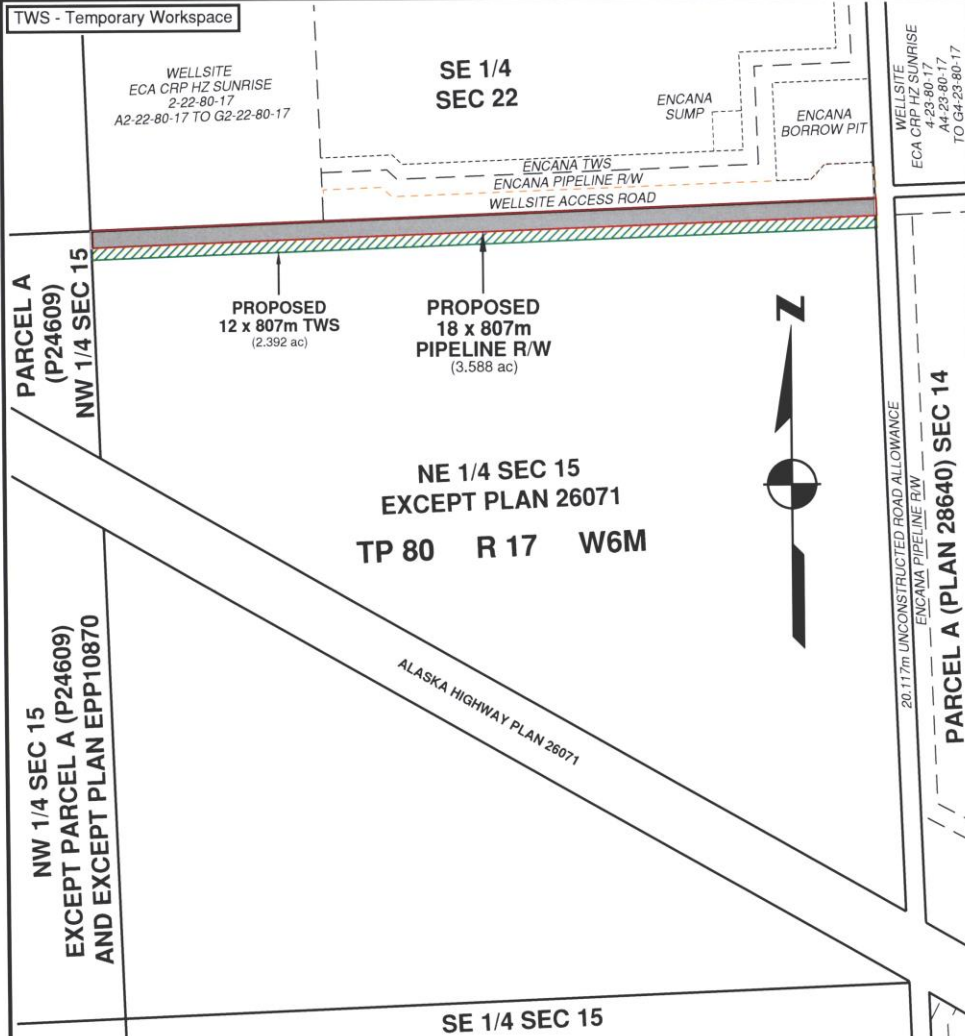

FOR THE BOARD

A handwritten signature in black ink, appearing to read "Rob Fraser", with a stylized, flowing script.

Rob Fraser, Mediator

Appendix "A"

SCHEDULE "A"		Page ___ of ___															
Attached to and made part of this Agreement dated this _____ day of _____, 20____, between Peter Derrick Bailey (Grantor) and Encana Corporation (Grantee).																	
INDIVIDUAL OWNERSHIP PLAN SHOWING PROPOSED PIPELINE RIGHT OF WAY AND ANCILLARY SITES WITHIN PARCEL A (PLAN 28640) OF SECTION 14 TOWNSHIP 80 RANGE 17 W6M PEACE RIVER DISTRICT																	
<p>SE 1/4 SEC 22 ENCANA SUMP ENCANA P/L R/W ENCANA P/L R/W ACCESS ROAD PROPOSED 15 x 424m TWS (1.571 ac) ENCANA BORROW PIT WELLSITE ECA CRP HZ SUNRISE 4-23-80-17 A4-23-80-17 TO G4-23-80-17 FELL ROAD 12.192m ROAD PLAN BCP40592 (UNCONSTRUCTED) 2.442m ROAD WIDENING PLAN BCP40592 OLIVER ROAD OLD ALASKA HWY PLAN 18475 AND A8805</p> <p>SW 1/4 SEC 23 EXCEPT PARCEL A (PLAN 20893) AND PLANS A938, 18475, PGP35402 AND PART SUBDIVIDED BY PLAN BCP40592</p> <p>LOT 1 SEC 23 PLAN PGP35402 THAT PART OF THE FRACTIONAL NE 1/4 SEC 14 LYING TO THE WEST OF PLAN A938</p> <p>NE 1/4 SEC 15 EXCEPT PLAN 26071 PROPOSED 18 x 275m PIPELINE R/W (S1) (1.223 ac) PROPOSED 100 x 130m TWS (LAYDOWN) (3.212 ac) PROPOSED 18 x 826m PIPELINE R/W (S2) (3.673 ac) PROPOSED 15 x 247m TWS (0.915 ac) PROPOSED 15 x 183m TWS (0.679 ac) PROPOSED 15 & 20 x 310m TWS (1.239 ac)</p> <p>PARCEL A (PLAN 28640) SEC 14 TP 80 R 17 W6M</p> <p>SE 1/4 SEC 15 ENCANA P/L R/W</p> <p>PARCEL B (S24763) SW 1/4 SEC 14</p> <p>PARCEL A (P44929) SEC 14</p> <p>ALASKA HIGHWAY PLAN 26071</p> <p>TWS - Temporary Workspace</p> <p>N</p> <p>Scale: 1:7500 100 0 100 200 300 400 500 The intended plot size of this plan is 216mm in width by 356mm in height when plotted at a scale of 1:7500 (use legal size sheet)</p>																	
Owner(s): Peter Derrick Bailey Title No: S24766 Parcel Identifier: 014-480-158 Landowner File: S468782 Encana File(s): S468528		Certified correct this 1st day of October, 2015 Darrin B.C. Connatty, BCLS															
Areas <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Permanent</td> <td style="width: 10%; text-align: center;">1.981 ha</td> <td style="width: 10%; text-align: center;">4.896 ac</td> </tr> <tr> <td>Temporary</td> <td style="text-align: center;">3.082 ha</td> <td style="text-align: center;">7.616 ac</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">5.063 ha</td> <td style="text-align: center;">12.512 ac</td> </tr> </table>		Permanent	1.981 ha	4.896 ac	Temporary	3.082 ha	7.616 ac	Total	5.063 ha	12.512 ac	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; text-align: center;">WSP File:</td> <td style="width: 70%;">150069NP02R1</td> </tr> <tr> <td style="text-align: center;">Ref Dwg:</td> <td>150069CP01R1</td> </tr> <tr> <td style="text-align: center;">Drafted by:</td> <td>AP/KG</td> </tr> </table>	WSP File:	150069NP02R1	Ref Dwg:	150069CP01R1	Drafted by:	AP/KG
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<div style="display: flex; align-items: center;"><div style="flex: 1;"></div><div style="flex: 1; font-size: 0.8em;">WSP Surveys (BC) Limited Partnership Fort St John BC (250) 787-0300</div></div>		<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 15%;">WSP File:</td><td>150069NP01R1</td></tr><tr><td>Ref Dwg:</td><td>150069CP01R1</td></tr><tr><td>Drafted by:</td><td>AP/KG</td></tr></table>		WSP File:	150069NP01R1	Ref Dwg:	150069CP01R1	Drafted by:	AP/KG						
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Appendix “B”

Conditions for Right of Entry

1. **Encana Corporation** must notify the landowner twenty-four (24) hours prior to entry onto the said lands.