

File No. 1247
Board Order # 217M-amd

December 8, 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
THE SOUTH EAST $\frac{1}{4}$ OF SECTION 35 TOWNSHIP 85 RANGE 20 WEST OF
THE 6TH MERIDIAN PEACE RIVER DISTRICT**

(The "Lands")

BETWEEN:

Progress Energy Ltd.

(APPLICANT)

AND:

Paul Bryan Cowger

(RESPONDENT)

BOARD ORDER

By Order dated August 28, 1987 (attached to this Order as Appendix "A"), the Mediation and Arbitration Board (now the Surface Rights Board) granted Poco Petroleums Ltd. right of entry to the Lands to construct and operate a flowline. Poco Petroleums Ltd. constructed the flowline on the Lands as contemplated by the Right of Entry Order.

Progress Energy Ltd. is the successor to Poco Petroleums Ltd. by way of corporate amalgamation and assignment. The flowline on the Lands is currently operated by Progress Energy Ltd.

The Surface Rights Board orders as follows:

1. Order 217M is amended to change Poco Petroleums Ltd. to Progress Energy Ltd.
2. Progress Energy Ltd. has the right to enter, occupy and use that portion of the Lands shown on the Individual Ownership Plan attached as Appendix "B" for the purpose of operating a flowline as permitted by the Oil and Gas Commission.
3. Nothing in this order operates as consent, approval, permission or authorization of matters within the jurisdiction of the Oil and Gas Commission.

Dated December 8, 2011

FOR THE BOARD



Cheryl Vickers
Chair

APPENDIX "A" 217M and

File No. 1247

Board Order No. 217-M

BEFORE THE MEDIATOR:

IN THE MATTER OF THE PETROLEUM AND NATURAL GAS ACT, 1979, BEING CHAPTER 323 OF THE REVISED STATUTES OF BRITISH COLUMBIA, 1979 AND AMENDMENTS THERETO; THE ACT:

AND IN THE MATTER OF A PORTION OF THE SOUTH-EAST QUARTER (SE $\frac{1}{4}$) OF SECTION THIRTY-FIVE (35), TOWNSHIP EIGHTY-FIVE (85), RANGE TWENTY (20) WEST OF THE SIXTH MERIDIAN, PEACE RIVER DISTRICT

BETWEEN:

POCO PETROLEUM LTD.
3300 - 205-5th AVE., S.W.
CALGARY, ALBERTA
T2P 2V7

APPLICANT

AND:

PAUL B. COWGER
BOX 39
MONTNEY, B.C.
VOC 1Y0

RESPONDENT

This is an application by POCO Petroleum Ltd., under the entry, occupation or use provisions of the Petroleum and Natural Gas Act, 1979, for an Order of the Mediator under Section 19 of "The Act".

THE APPLICANT having applied for an Order permitting it to enter part of the above described land for the purposes of construction and having an oil and gas flowline together with the Right of Ingress and Egress for the purposes of maintenance, inspection and repair of all operations in connection therewith.

AND WHEREAS the Respondent has verbally agreed to entry by way of a Mediators Order.

AND WHEREAS it appears that issues inhibiting an immediate completion of an easement satisfactory to both parties are not resolved and the Mediator being of the opinion that the Applicant's request for Right of Entry, should be granted forthwith.

IT IS HEREBY ORDERED THAT:

1. Further Mediation on the matter be adjourned sine die.
2. The Applicant deposit with the Board a security deposit in the amount of \$250.00 payable to the Minister of Finance, Province of British Columbia.

3. a) The Applicant pay to the Respondent a sum of seven hundred and eighty-five dollars (\$785.00) by causing a cheque in that amount to be forwarded by registered mail to Paul B. Cowger, P.O. Box 39, Montney, B.C., which cheque shall be accompanied by a copy of this Order, or;
b) By delivering the aforesaid cheque together with a copy of this Order to the Respondent Paul B. Cowger.
4. The Applicant further notify the Respondent and all other interested persons of this Order by causing its servants or agents when entering upon the property hereinbefore described, to have with them and to produce upon request of any person thereon a true copy of this Order.
5. Following completion of 2, 3, and 4, the Applicant shall be permitted to enter that area outlined in red on the plan of survey attached hereto as Schedule "A" for the purposes of constructing and burying an oil and gas flowline, along with the Right of Ingress and Egress for all operations connected with or incidental to that purpose.
6. The completion of this flowline is subject to a further condition. The Respondent has requested that the Applicant salvage and buck those trees which must be removed from the right-of-way suitable for firewood. Therefor the Applicant's Area Representative, Mr. Mikael Nielsen, in co-operation with the Respondent shall either salvage or substitute wood from an alternate source should salvage prove to be impractical or uneconomic.

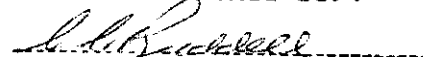
DATED AT THE CITY OF PORT ST. JOHN, PROVINCE OF BRITISH COLUMBIA, this 28th day of August, A.D. 1987.

MEDIATION AND ARBITRATION BOARD
UNDER THE
PETROLEUM AND NATURAL GAS ACT

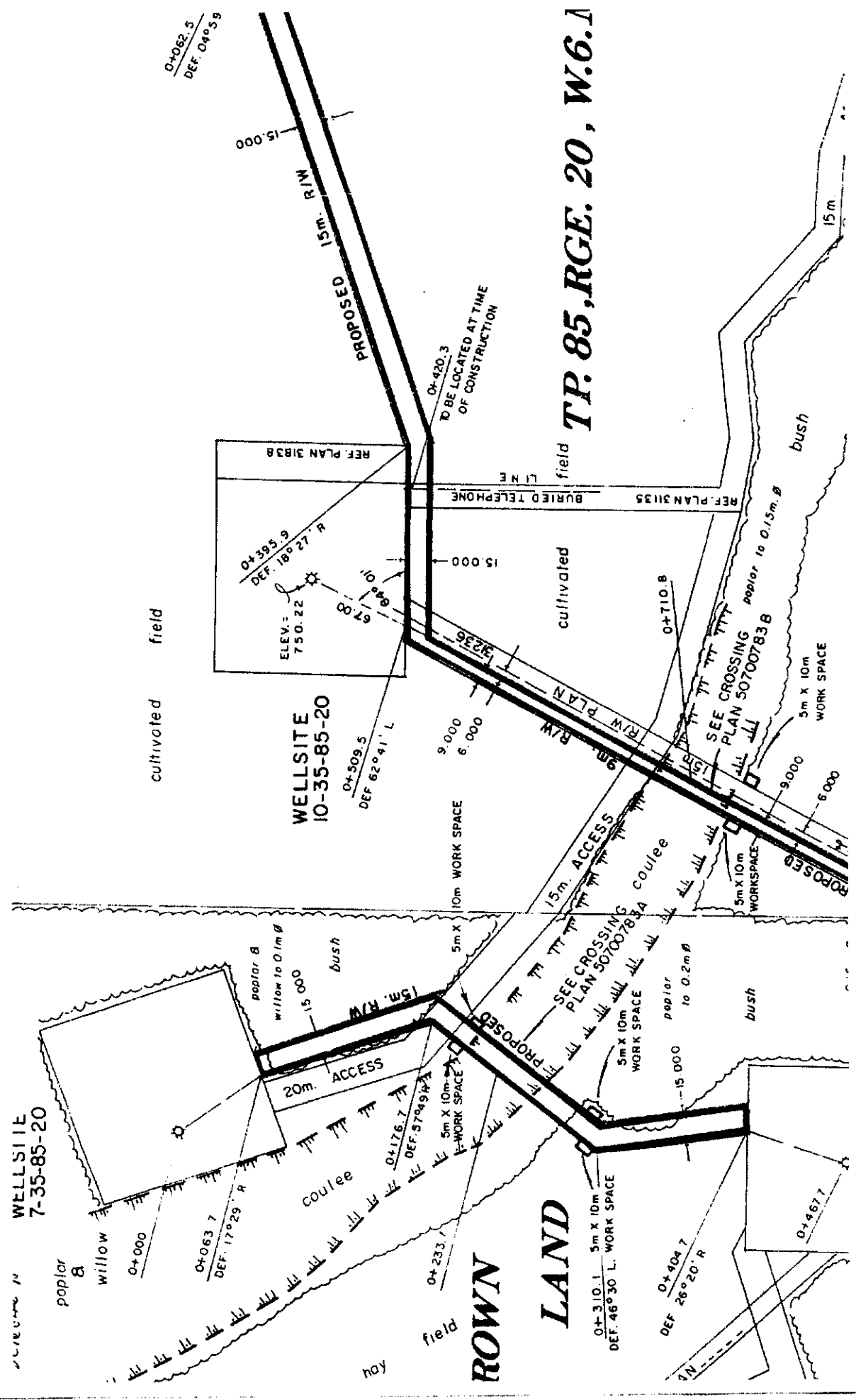


Mediator

CERTIFIED TRUE COPY



DATE Aug 28 1987



TP. 85, RGE. 20, W. 6.1

BEFORE THE MEDIATOR:

IN THE MATTER OF THE PETROLEUM AND NATURAL GAS
ACT, 1979, BEING CHAPTER 323 OF THE REVISED
STATUTES OF BRITISH COLUMBIA, 1979 AND AMEND-
MENTS THERETO; THE ACT:

AND IN THE MATTER OF A PORTION OF THE SOUTH-EAST
QUARTER (SE4) OF SECTION THIRTY-FIVE (35),
TOWNSHIP EIGHTY-FIVE (85), RANGE TWENTY (20)
WEST OF THE SIXTH MERIDIAN, PEACE RIVER DISTRICT

BETWEEN:

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APPLICANT

AND:

PAUL B. COWGER
BOX 39
MONTNEY, B.C.
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RESPONDENT

ORDER

TP: 85, RGE: 20, W.6.1

