

ASHLAND OIL, INC. ET AL.

IBLA 71-29

Decided June 15, 1972

Appeal from decision (W 032652-A et al.) of land office, Cheyenne, Wyoming, of the Bureau of Land Management, holding oil and gas leases to have terminated.

Dismissed.

Oil and Gas Leases: Extension -- Rules of Practice: Appeals: Dismissal

Where an appeal is taken from a decision denying an extension of oil and gas leases, and the period of the requested extension has expired, the appeal is moot and is dismissed.

APPEARANCES: James S. Holmberg, Esq., for the appellants.

OPINION BY MR. FISHMAN

The parties, listed above, have appealed from a decision of July 13, 1970, of the land office at Cheyenne, Wyoming, holding that the oil and gas leases shown in Appendix A, terminated on March 31, 1970.

The crucial issue presented by the appellants is whether leases, which had been extended by reason of their inclusion in a producing unit, but which were not in the participating area, are still in their "primary term" within the ambit of 30 U.S.C. § 226(e) (1970). If the leases are deemed to be in that status, the actual drilling operations commenced or diligently prosecuted prior to the end of that period would extend the leases for two years and so long thereafter as oil or gas is produced in paying quantities. Solicitor's Opinion, 67 I.D. 357 (1960), holds that "primary term" includes all periods in the life of a lease prior to its extension by reason of the production of oil and gas in paying quantities.

The precise question raised is whether a lease extended because of production not on it, but on a unit, is still in its "primary term".

Since the period of the requested extension terminated on March 31, 1972, the issues raised in the appeals are moot. See Duncan Miller, B. E. Chamberlin, A-27458 (August 12, 1957).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F. R. 12081), the appeals are dismissed.

Frederick Fishman, Member

We concur:

Douglas E. Henriques, Member

Edward W. Stuebing, Member

APPENDIX A

<u>Serial Number</u>	<u>Lessees</u>
Wyoming	
032652-A	Ashland Oil, Inc. Webb Resources, Inc. Samuel Gary
032652-F	Webb Resources, Inc. Samuel Gary
032652-G	Webb Resources, Inc. Samuel Gary
032652-H	Ashland Oil, Inc. Webb Resources, Inc. Samuel Gary
032652-L	Webb Resources, Inc. Samuel Gary
032653-B	Ashland Oil, Inc. Webb Resources, Inc. Samuel Gary
032653-C	Webb Resources, Inc. Samuel Gary
032653-D	Webb Resources, Inc. Samuel Gary
032653-H	Webb Resources, Inc. Samuel Gary
032653-I	Webb Resources, Inc. Samuel Gary
032654-C	Webb Resources, Inc.
032654-F	Webb Resources, Inc. Samuel Gary
032655-F	Webb Resources, Inc. Samuel Gary
032655-G	Webb Resources, Inc. Samuel Gary
032655-H	Webb Resources, Inc. Samuel Gary

