

ROBERT P. GOOD

IBLA 70-551

Decided June 22, 1972

Appeal from decision of Montana state office, Bureau of Land Management, declaring oil and gas lease M 4519-A to have terminated automatically.

Affirmed.

Oil and Gas Leases: Reinstatement -- Oil and Gas Leases: Rentals  
Oil and Gas Leases: Termination

An oil and gas lease automatically terminates in accordance with the Act of July 29, 1954, where rental is not paid on or before the anniversary date of the lease, and the lease may not be reinstated if the amendatory relief provisions of the Act of May 12, 1970, 30 U.S.C. § 188(b) (1970), are not applicable.

APPEARANCES: Robert P. Good, pro se.

OPINION BY MRS. THOMPSON

By decision dated March 31, 1970, the state office of the Bureau of Land Management at Billings, Montana, declared Robert P. Good's oil and gas lease M-4519-A to have terminated automatically as of February 1, 1970, the anniversary date of the lease, for nonpayment of rental. The Bureau's office also returned Good's check in the amount of \$60 for the rental, which was received at that office on March 30, 1970.

In his appeal concerning the termination, Good states, as an excuse for his late payment, only that he had changed his address and had not received his payment notice until late in March.

The Bureau's action was correct. By the act of July 29, 1954, 68 Stat. 585, 30 U.S.C. § 188(b) (1970), an oil and gas lease upon which there is no well capable of producing oil or gas in paying quantities, automatically terminates upon failure of a lessee to pay rental on or before the anniversary date of the lease. Consistent rulings of this Department have held that a lease terminates in those circumstances and this Department has no authority to reinstate such terminated leases administratively in the absence of

applicable statutory authorization. See e.g., Union Texas Petroleum, A-30970 (March 5, 1969); Joan Witmer, A-30986 (March 3, 1969); M.B. Dreblow, A-30723 (April 18, 1967); Mike Abraham, A-27763 (December 22, 1958).

Subsequent to the Bureau's decision, the Act of May 12, 1970, 84 Stat. 206, 30 U.S.C. § 188(b) (1970), amended the Act of July 29, 1954, by providing for curative relief or reinstatement of terminated leases under certain circumstances. The record before us, however, shows no basis whereby the relief provisions of the Act of May 12, 1970, properly may be invoked here. Cf. Rijan Oil Company, Inc., 78 I.D. 359 (1971); C. E. Knowles, R. E. Darling, 3 IBLA 307 (1971).

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 decision appealed from is affirmed.

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Joan B. Thompson, Member

We concur:

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Douglas E. Henriques, Member

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Anne Poindexter Lewis, Member

