

PATRICIA HICKOK

IBLA 72-380

Decided June 30, 1972

Appeals from those portions of separate decisions of the Utah state office, Bureau of Land Management (BLM), requiring execution of certain stipulations as a prerequisite to the issuance of oil and gas leases pursuant to applications U 17955 and 17957.

Dismissed as to U-17957; affirmed as to U-17955.

Rules of Practice: Generally

Where a question on appeal becomes moot the appeal will be dismissed. Where an appeal is taken from a requirement for execution of special stipulations as a prerequisite to the issuance of an oil and gas lease and the stipulations are executed during the pendency of the appeal, the issue on appeal is moot and the appeal will be dismissed.

APPEARANCES: Patricia Hickok, pro se.

BY THE BOARD

This appeal relates to those portions of separate decisions of the Utah state office, BLM, requiring the appellant to execute certain stipulations as a condition or prerequisite to the issuance of oil and gas leases pursuant to her offers, Utah 17955 and 17957. The appellant asserted that the stipulations are unduly restrictive, cast an undue burden on the applicant, and hamper development.

On prior occasions, we considered the same contentions and found that a substantially similar stipulation, which is now embodied in the Utah state office forms 3110-2 and 3110-3, were reasonable because they did not cast an undue burden upon the lessees. We found it proper to require the execution of the stipulations prior to the issuance of leases. Quantex Corporation et al., 78 I.D. 317 (1971); Bob Owen White et al., 5 IBLA 72-205 (March 22, 1972). We adhere to the findings previously made--that the stipulations are reasonable and unrestrictive.

During the pendency of this appeal the appellant reconsidered her position in 17957 and returned two sets of executed stipulations. This is in accord with our expressed views in Quantex and White, supra. Even if the appellant intended to prosecute her appeal in

17955 the fact remains that if the stipulations are reasonable in one case then they also are reasonable in the other. Thus, the appellant having agreed to the reasonableness of the stipulations, there is no question before us.

Therefore, pursuant to the authority delegated to the Board of Land Appeals, 211 DM 13.5, the appeal relating to U-17957 is dismissed and the decision appealed from in U-17955 is affirmed.

