

DUNCAN MILLER

IBLA 72-219

Decided November 29, 1972

Appeal from a decision of the New Mexico State Office, Bureau of Land Management, denying request for consolidation of oil and gas leases, NM 045884 and NM 045884-A.

Affirmed.

Oil and Gas Leases: Generally

A request to consolidate two noncompetitive oil and gas leases, which originally comprised one lease held by the applicant, must be denied where one of the leases has expired by operation of law.

APPEARANCES: Duncan Miller, pro se.

OPINION BY MR. FISHMAN

Duncan Miller has appealed to the Secretary of the Interior from a decision of the New Mexico State Office, Bureau of Land Management which denied his application for consolidation of noncompetitive oil and gas leases, NM 045884 and NM 045884-A.

The record discloses that the two leases were originally one lease held by the appellant, pursuant to the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. §§ 181, et seq. (1970). NM-045884-A was created by assignment in 1966 and is held by Don C. Wiley. On November 26, 1971, the State Office received the following request from the appellant:

REQUEST FOR CONSOLIDATION OF PARENT AND ASSIGNED  
LEASE PURSUANT TO ASSIGNMENT

The lessee under NM-045884 has contacted the lessee under NM-045884A who has indicated a position in accord in accepting an assignment.

The assigned portion of the foregoing lease is held by production which is of extremely poor quality; the subject lease has been undeveloped because of economic and geological conditions.

Hence, since consolidation of both leases would serve to extend the subject lease because of production the foregoing reason is also the reason for the captioned request which the lessee submits is reasonable.

The State Office, by decision dated December 7, 1971, denied appellant's request for the reason that the parent lease, NM 045884, which was held by appellant, expired by operation of law on October 31, 1971.

In his statement of reasons on appeal, the appellant does not dispute the fact that his lease expired on October 31, 1971, by operation of law; nor does he articulate any cogent reason to disturb the decision of the Bureau.

Consolidation of existing oil and gas leases is a matter within the discretion of the Department. See Duncan Miller, 3 IBLA 338 (1971). We note that the lessee of NM 045884A has not joined in the request for consolidation, a necessary requirement for favorable consideration of such a request. In any event, since the appellant's lease NM 045884 is not in existence, it cannot be consolidated and the request for consolidation must be denied.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

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Frederick Fishman, Member

We concur:

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Martin Ritvo, Member

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Anne Poindexter Lewis, Member

