

RONALD K. ROBBINS

IBLA 74-306

Decided September 16, 1974

Appeal from decision by Utah State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer U 25669.

Affirmed.

1. Oil and Gas Leases: Generally--Oil and Gas Leases: Lands Subject to--Oil and Gas Leases: Noncompetitive Leases

A noncompetitive oil and gas lease offer must be rejected when filed at a time when the official records in the local BLM office show prima facie that the lands are embraced in an outstanding oil and gas lease.

2. Oil and Gas Leases: Generally--Oil and Gas Leases: Lands Subject to

Land, included in an oil and gas lease which terminates by operation of law for failure to pay rental timely, is subject to filing of new oil and gas lease offers only after notation on the official record of the termination and only in accordance with the provisions of the regulations relating to simultaneous filing of oil and gas lease offers.

APPEARANCES: Ronald K. Robbins, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Ronald K. Robbins has appealed from a decision of Utah State Office, Bureau of Land Management, dated April 9, 1974, which

rejected his noncompetitive oil and gas lease offer U 25669 for the reason that the land was included within oil and gas lease U 21339.

Appellant contends the State Office decision is in error because "[t]he same land under lease U 21339 was not renewed by Utah State Office on the renewal date which was February 1, 1974; therefore, my offer to lease the same land which was submitted March 5, 1974, is valid."

The record shows that noncompetitive oil and gas lease U 21339 was issued effective February 1, 1973, for lots 3, 4, E 1/2 SW 1/4, SE 1/4 sec. 18, all sec. 19 T. 26 S., R. 16 W., S.L.M., and S 1/2 sec. 23, all sec. 24, T. 26 S., R. 17 W. This lease was terminated by operation of law for failure to pay the second year lease rental due on or before February 1, 1974. 30 U.S.C. § 188(b) (1970). The lessees petitioned for reinstatement of the lease, pursuant to 30 U.S.C. § 188(c) (1970). Denial of this petition by Utah State Office was affirmed by this Board in Vern H. Bolinder, 17 IBLA 9 (August 26, 1974).

[1] Appellant herein filed his noncompetitive oil and gas lease offer U 25669 over-the-counter on March 5, 1974, for the same land as had been included within lease U 21339. At that time, lease U 21339 had not been expunged from the official oil and gas status plat, so appellant's offer was rejected. A noncompetitive oil and gas lease offer must be rejected when filed at a time when the official records in the local BLM office shows prima facie that the lands are embraced in an outstanding oil and gas lease. R. E. Puckett, 14 IBLA 128 (1973); cf. State of Alaska, 6 IBLA 58; 79 I.D. 391 (1972).

[2] Furthermore, land included in an oil and gas lease which terminated by operation of law for failure to pay rental timely is subject to filing of new oil and gas lease offers only after notation on the official record of the termination and only in accordance with the provisions of the regulations relating to simultaneous filing of oil and gas lease offers. 43 CFR 3112.1-1; Claude C. Kennedy, 12 IBLA 183 (1973).

Inasmuch as the official records in Utah State Office have not been noted to reflect the termination of lease U 21339, nor has the notice of availability of such land been posted as provided by 43 CFR 3112.1-2, it was mandatory that offer U 25669 be rejected.

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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Douglas E. Henriques  
Administrative Judge

We concur:

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Frederick Fishman  
Administrative Judge

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Martin Ritvo  
Administrative Judge

