

W. DOYLE WOOD
JANE L. WOOD

IBLA 75-161

Decided June 23, 1976

Appeal from decision of the District Manager, Bureau of Land Management, Casper, Wyoming, cancelling grazing lease 490672-169.

Affirmed.

1. Grazing Leases: Generally--Grazing Leases: Cancellation or Reduction

A grazing lease is properly cancelled because of the lessees' loss of control of the lands which were recognized as the basis of the preference right to the lease.

APPEARANCES: W. Doyle Wood and Jane L. Wood, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

W. Doyle Wood and Jane L. Wood have appealed from a decision dated June 24, 1974, rendered by the District Manager, Casper, Wyoming, cancelling their grazing lease 490672-169.

The decision below recited that appellants had lost control of the preference lands and that, in accordance with 43 CFR 4125.1-1(i)(4), the grazing lease must be cancelled as to the national resource lands for which such preference lands have been recognized as base.

[1] The ownership and control of the base lands has been the subject of judicial consideration. On April 10, 1975, District Judge T. C. Daniels of the Seventh Judicial District of Wyoming rendered a Judgment and Order in Civil No. 38950, in the cause entitled Mary H. Trenchard v. W. Doyle Wood a/k/a William D. Wood and Jane L. Wood. The suit was an action in ejectment.

The court found that the plaintiff Trenchard is the "true and lawful owner" of the preference lands in issue and that the defendants "have no right, title, interest, claim or demand therein, and have had none since June 27, 1973, * * *." The court directed that the defendants should be ordered "to immediately quit, leave and vacate said property and redeliver the same to the Plaintiff peacefully * * *." This judgment was affirmed by the Supreme Court of Wyoming in Wood v. Trenchard, Civil No. 4560 (June 1, 1976).

That decision adequately disposes of appellants' contention that they "have not lost control of the preference lands."

A grazing lease is properly cancelled because of loss of control by the lessee of the lands which were recognized as the basis of his preference right to the lease. Harry Grabbert, 12 IBLA 255, 80 I.D. 531 (1973); Laurence A. Andren, 7 IBLA 14 (1972); Carl O. Thomsen, A-27171 (November 7, 1955). See Joseph Rebich, A-27491 (January 13, 1958).

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.

Frederick Fishman

Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Martin Ritvo
Administrative Judge

