

JOHN O. CLAY

IBLA 76-783

Decided January 24, 1977

Appeal from decision of Eastern States Office, Bureau of Land Management, rejecting appellant's acquired lands oil and gas lease offer.

Affirmed.

1. Mineral Leasing Act for Acquired Lands: Lands Subject to—Oil and Gas Leases: Acquired Lands Leases—Oil and Gas Leases: Applications: Generally—Oil and Gas Leases: Lands Subject to

An oil and gas lease offer made pursuant to the Mineral Leasing Act for Acquired Lands is properly rejected where the subject lands are not acquired lands but, rather, are patented with a reservation of mineral rights in the United States.

APPEARANCES: John O. Clay, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

By an instrument dated January 23, 1976, appellant John O. Clay offered to lease the NE 1/4 NW 1/4, SE 1/4 SW 1/4 of section 21, T. 15 N., R. 3 E., La. Meridian. The form on which appellant submitted his offer (form 3110-3, September 1973) provides, "The undersigned hereby offers to lease any or all of the lands described in item 2 that are available for lease pursuant and subject to the terms and provisions of the Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. §§ 351-359) * * *." That Act is commonly known as the Mineral Leasing Act for Acquired Lands. The offer was rejected because the lands sought are not available for leasing under that Act.

Appellant contends these lands were leased years ago by the United States and there must be authority for leasing the lands.

Appellant's obvious difficulty is that he obtained the wrong forms for submitting his offer. The Mineral Leasing Act for Acquired Lands authorizes the leasing of "all deposits of oil * * * gas * * * which are within lands acquired by the United States * * *." The lands described on appellant's lease offer are not lands acquired by the United States but are lands which were patented by the United States with a reservation of mineral rights in the United States and are thus not available under the provisions of 30 U.S.C. §§ 351-359. Oil and gas deposits reserved to the United States in a patent of public lands are leasable under the general Mineral Leasing Act of 1920, as amended, 30 U.S.C. § 181 *et seq.* (1970), and an acquired lands lease offer for such deposits must be rejected. Leroy Gatlin, 4 IBLA 272 (1972). Appellant's proper course of action, if he wishes to acquire oil and gas rights to these lands, is to obtain the correct lease forms and make application under the Mineral Leasing Act of February 25, 1920, which is applicable to oil and gas deposits in public lands and such deposits reserved to the United States in patents of the lands.

Accordingly, 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.

Joan B. Thompson
Administrative Judge

We concur.

Martin Ritvo
Administrative Judge

Newton Frishberg
Chief Administrative Judge

