

CONNIE MULL

IBLA 76-83

Decided November 10, 1975

Appeal from decision by the Utah State Office, Bureau of Land Management, rejecting oil and gas lease offer U 30475.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: First Qualified Applicant -- Oil and Gas Leases: Noncompetitive Leases

An oil and gas offer must be rejected when the land applied for has been leased to a senior offeror under a proper offer.

APPEARANCES: Connie Mull, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Connie Mull appeals from a decision of the Utah State Office, Bureau of Land Management, dated July 11, 1975, rejecting her over-the-counter noncompetitive oil and gas lease offer U 30475 for the stated reason that the lands she applied for were included in an outstanding prior oil and gas lease U 30396. In her statement of reasons, appellant states that on June 25, 1975, she received an oil and gas status plat which did not indicate there was any oil and gas offer for the lands for which she applied.

[1] Appellant's offer was received on June 30, 1975. On June 23, 1975, the State Office received oil and gas offer U 30396 by Dean W. Rowell ^{1/} which included all of the lands for which the appellant subsequently applied. 30 U.S.C. § 226(c) (1970) provides: "If the lands to be leased are not within any known geological structure of a producing oil and gas field, the person first making application for the lease who is qualified to hold a lease under this chapter shall be entitled to a lease of such lands without competitive bidding." Because a qualified offeror files an application before the appellant, the State Office properly issued a lease on the first offer and rejected appellant's subsequent offer.

^{1/} A lease was issued to him under that offer on July 11, 1975, effective August 1, 1975.

El Paso Products Co., 10 IBLA 116 (1973). That the plat appellant obtained assertedly on June 25, 1975, did not reflect offer U 30396 does not vitiate this result; not uncommonly there is necessarily a hiatus between the receipt of an application and its posting on the appropriate records because of the press of business.

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

Joan B. Thompson
Administrative Judge

