

DUNCAN MILLER

IBLA 77-127, 77-142

Decided April 27, 1977

Appeals from separate determinations of the Wyoming and Colorado State Offices of the Bureau of Land Management requesting additional rental prior to the issuance of noncompetitive oil and gas leases, W-57757 and C-24868.

Affirmed.

1. Oil and Gas Leases: Applications: Generally! ! Oil and Gas Leases: Noncompetitive Leases! ! Oil and Gas Leases: Rentals! ! Regulations: Applicability

Where the Department, through a duly promulgated regulation, has increased the rental rate on all noncompetitive oil and gas leases issued after a specified date, such increased rate is applicable to all leases issued subsequent to that date, including leases issued pursuant to the simultaneous filing procedures, even though the lease offers were drawn with first priority prior to the effective date of the increase.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Duncan Miller has appealed from a decision of the Wyoming State Office, Bureau of Land Management, dated January 18, 1977, and from a decision of the Colorado State Office, Bureau of Land Management, dated January 24, 1977, which required the payment of rental of \$ 1 per acre prior to the issuance of oil and gas leases, W-57757 and C-24868, respectively.

In each case a drawing entry card filed by Miller, in a simultaneous oil and gas lease offering, had been drawn first. The decisions were based on a change in the regulation, 43 CFR 3103.3-2,

increasing the rental from 50 cents to 1 dollar per acre on all noncompetitive leases issued on or after February 1, 1977. 42 F.R. 1032.

Miller contends that increased rental should not apply to leases issued on filings made before the regulation became effective.

[1] In several recent cases the Board has considered similar contentions and after a thorough discussion of the law held that a lease issued after February 1, 1977, must pay the increased rental. Milton J. Lebsack, 29 IBLA 316 (1977); Raymond N. Joeckel, 29 IBLA 170 (1977).

For the reasons stated therein, the appellant was properly required to pay the rental of \$ 1 per acre as set out in 43 CFR 3103.3-2, as amended.

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

Martin Ritvo
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Frederick Fishman
Administrative Judge

