

CURTIS WHEELER

IBLA 77-320

Decided July 7, 1977

Appeal from decision of Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease offer W 59108.

Affirmed.

1. Oil and Gas Leases: Applications:
Generally—Oil and Gas Leases: Known
Geological Structure—Oil and Gas
Leases: Noncompetitive Leases

Lands within a known geologic structure of a producing oil or gas field may be leased only by competitive bidding pursuant to 43 CFR 3120, and a noncompetitive oil and gas lease offer filed for such lands is properly rejected where either before or after the filing of the offer, but prior to the issuance of the lease, the land is determined to be within the known geologic structure of a producing oil or gas field.

2. Oil and Gas Leases: Known Geological
Structure

An applicant for an oil and gas lease who challenges a determination by the Geological Survey that lands are situated within the known geologic structure of a producing oil or gas field has the burden of showing that the determination is in error and the determination will not be disturbed in the absence of a clear and definite showing of error.

Appearances: Curtis Wheeler, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Curtis Wheeler appeals from a decision of the Wyoming State Office, Bureau of Land Management, dated April 25, 1977, rejecting noncompetitive oil and gas lease offer W 59108 because the Geological Survey (Survey) has determined that the lands embraced by the offer are within a known geologic structure (KGS) of a producing oil or gas field and may be leased only in accordance with the competitive leasing procedure set forth in 43 CFR 3101.1-1 and 43 CFR 3120.

In his statement of reasons, appellant contends that there are 13 dry hole wells around the lands for which he applied, and he argues that this lease would be an extremely high risk venture.

[1] The lands in question were reported and posted by Survey as being within a KGS, and therefore can be leased only by competitive bidding. 30 U.S.C. § 226(b) (1970), 43 CFR 3101.1-1. A noncompetitive offer to lease certain lands for oil and gas must be rejected where either before or after the filing of the offer and prior to the issuance of the lease the land is determined to be within the known geologic structure of a producing oil or gas field. Geral Beveridze, 14 IBLA 351, 81 I.D. 80 (1974); Guy W. Franson, 30 IBLA 123 (1977); James A. Wallender, 26 IBLA 317 (1976); William T. Alexander, 21 IBLA 56 (1975); James W. McDade, 3 IBLA 226 (1971), aff'd McDade v. Morton 353 F. Supp. 1006 (D.D.C. 1973), aff'd, per curiam, 494 F.2d 1156 (D.C. Cir 1974).

[2] The Secretary of the Interior has delegated the duty to determine the KGS of producing oil and gas fields to the Director of the Geological Survey, D.M. 220.4.1G; 43 CFR 3100.7-1, and when Survey makes this determination, the Secretary is entitled to rely upon the reasoned opinion of his technical expert in the field. See Clear Creek Inn Corporation, 7 IBLA 200, 213-214, 79 I.D. 571, 578 (1972)

An applicant for an oil and gas lease who challenges a determination by Survey that lands are situated within a KGS has the burden of showing that the determination is in error and the determination will not be disturbed in the absence of a clear and definite showing of error. Guy W. Franson, supra; James A. Wallender, supra. Appellant has failed to offer evidence which would persuade us that the KGS determination made by Survey is not correct.

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.

Edward W. Stuebing
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Anne Poindexter Lewis
Administrative Judge