

ALVER C. DUNCAN

IBLA 79-86 Decided January 29, 1979

Appeal from a decision of the Utah State Office, Bureau of Land Management, rejecting oil and gas lease offer U 41179.

Affirmed.

1. Administrative Authority: Generally--Administrative Authority: Estoppel--Federal Employees and Officers: Authority to Bind the Government

Reliance upon erroneous notations to a BLM serial register page or incomplete information provided by BLM employees cannot create any rights not authorized by law.

2. Oil and Gas Leases: Generally--Oil and Gas Leases: Lands Subject to

Land included within an outstanding oil and gas lease is not available to leasing and an oil and gas lease offer filed for such land must be rejected.

APPEARANCES: Alver C. Duncan, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Alver C. Duncan appeals from a decision dated November 2, 1978, wherein the Utah State Office, Bureau of Land Management, rejected his noncompetitive oil and gas lease offer U 41179 for the reason that the lands sought are included in oil and gas lease U 37023. Duncan contends that the serial register page U 37023 clearly indicated that offer to lease U 37023 had been withdrawn, and as a result of that information, he filed his lease offer U 41179. The land involved is SE 1/4 SE 1/4, sec. 10, T. 28 S., R. 22 E., Salt Lake meridian, containing 40 acres.

It is abundantly clear that the serial register page for U 37023 was noted that offer U 37023 had been withdrawn and the case closed May 16, 1977. However, the records in the case file U 37023 just as clearly show that the serial register page notation was made in error, as oil and gas lease U 37023 was executed on behalf of the United States on May 11, 1977, effective June 1, 1977. ^{1/} The issuance of the lease effective June 1, 1977, is reflected on page 10 of the Historical Index for T. 28 S., R. 22 E., as well as on the Oil and Gas Plat for that township.

[1, 2] While it is unfortunate that the serial register page for U 37023 was incorrectly noted and that Duncan was thereby misled, the decision of the State Office must be affirmed. Reliance upon erroneous notations to a BLM serial register page or incomplete information provided by BLM employees cannot create any rights not authorized by law. Mark W. Boone, 33 IBLA 32 (1977); Verner F. Sorenson, 32 IBLA 341 (1977); W. R. C. Croley, 32 IBLA 5 (1977). Land included within an outstanding oil and gas lease is not available for leasing and an oil and gas lease offer filed for such land must be rejected. Curtis D. Wheeler, 31 IBLA 354 (1977).

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.

Douglas E. Henriques
Administrative Judge

I concur:

James L. Burski
Administrative Judge

I concur in the result:

Joseph W. Goss
Administrative Judge

^{1/} Serial register page U 37023 has been corrected to show issuance of oil and gas lease U 37023 effective June 1, 1977.

