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*This Little Company Went to Market: IPAA v. Dewitt and the Duty to Market Federal Oil and Gas Production at No Cost to the Lessor*

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Abstract by Erika Miller

This article examines the Secretary of the Interior's authority to establish the value of production from federal oil and gas leases, the royalties. In *Independent Petroleum*, the court upheld the Secretary's discretion to make these determinations and to require lessees to market oil and gas production at no cost to the federal lessor. In all federal leases, there is an implied duty to market leasehold production that developed from litigation involving private leases. Because it is an implied duty, it may and does vary by jurisdiction; however, there are applicable federal regulations. No federal or administrative decisions have held or implied that the government is responsible for a share of the federal lessee's marketing costs.