WALTER H. ANDERSON
VERN T. JOCELYN

IBLA 76-709 Decided October 20, 1976

Appeal from decision of Wyoming State Office, Bureau of Land Management, rejecting first drawn oil and gas lease offer for failure of offerors to include statements of interest of additional parties. W 55074.

Affirmed.

1. Oil and Gas Leases: Applications: Sole Party in Interest

An oil and gas lease offer filed on a simultaneous filing drawing entry card must be rejected if it contains the names of additional parties in interest and, within 15 days of the filing, the parties fail to submit a statement of their separate interests, any agreements between them, and evidence of the qualifications of each offeror to hold the oil and gas lease.

APPEARANCES: Donald T. Cheatham, Esq., Alexandria, Virginia, for appellants.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Walter H. Anderson and Vern T. Jocelyn appeal from the June 15, 1976, decision of the Wyoming State Office, Bureau of Land Management (BLM), rejecting their oil and gas lease offer which was drawn first in a simultaneous drawing. The offer was made by both Anderson and Jocelyn; the names of two additional parties in interest, Ronald Porter and Norman Jones, are printed in a section provided for that purpose on the drawing entry card.

The reason given for the rejection is merely one sentence in a form containing several possible reasons for rejection and providing a space so that the appropriate reason may be checked. The sentence which was checked in this case states:

> 43 CFR 3102.7 - The statement of interest must be signed by the offeror and all parties of interest, showing nature and extent of interest of each in the lease. No statement was attached or filed.

[1] Appellants believe that the principal reason for the rejection is the failure of Ronald Porter and Norman Jones to sign their names in writing rather than printing. However, an examination of 43 CFR 3102.7 reveals that the reason for the rejection of the offer is the failure of appellants to submit a statement setting forth their separate interests, any and all agreements between them, and evidence of the qualifications of each offeror to hold his interest in the lease:

> * * * If there are other parties interested in the offer a separate statement must be signed by them and by the offeror, setting forth the nature and extent of the interest of each in the offer, the nature of the agreement between them if oral, and a copy of such agreement if written. All interested parties must furnish evidence of their qualifications to hold such lease interest. Such separate statement and written agreement, if any, must be filed not later than 15 days after the filing of the lease offer. Failure to file the statement and written agreement within the time allowed will result in the cancellation of any lease that may have been issued pursuant to the offer. Upon execution of the lease the first year's rental will be earned and deposited in the U.S. Treasury and will not be returnable even though the lease is canceled.

The Department has held many times that the requirements of the regulation are mandatory and that failure to comply with them must necessarily result in the rejection of the lease offer. John J. Gergurich, 25 IBLA 266 (1976); Emily Sonnek, 21 IBLA 245 (1975); Mary West, 17 IBLA 84 (1974); Melvyn Kegler, 13 IBLA 265 (1973); Richard Hubbard, 2 IBLA 270, 78 I.D. 170 (1971); Richard C. Cook, 73 I.D. 145 (1966). Appellants never submitted the necessary statements.

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:

Anne Poindexter Lewis
Administrative Judge

Newton Frishberg
Chief Administrative Judge