

THOMAS H. MULLINAX

IBLA 72-42

Decided November 24, 1971

Oil and Gas Leases: Applications: Generally

Where an oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure contains the name of an additional party in interest, and the required statements of interest, copy or explanation of the agreement between the parties, and evidence of the qualifications of the additional party are not filed within the time prescribed, strict compliance with the Department's regulations may not be waived to favor an applicant who pleads ignorance of the law or inexperience in oil and gas leasing.

Oil and Gas Leases: Applications: Sole Party in Interest

Where an oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure contains the name of an additional party in interest, and the required statements of interest, copy or explanation of the agreement between the parties, and evidence of the qualifications of the additional party are not filed within the time prescribed by the Department's regulations, the offer must be rejected.

IBLA 72-42 : NM 14159

THOMAS H. MULLINAX

: Oil and Gas

: Affirmed

DECISION

This is an appeal from the decision of the New Mexico State office, Bureau of Land Management, dated July 30, 1971, rejecting appellant's noncompetitive offer to lease for oil and gas for failure to comply with the provisions of 43 CFR 3102.7 (formerly 3123.2(c)(3)).

The appellant states as his reason for appeal that "I was not familiar with the provisions of the Regulations covering the making of a statement by an interested party. Had I been familiar with these provisions I would have complied with them within the required time limit."

Mullinax executed the offer to lease, the reverse side of which under "Instructions" provides "NOTE: Compliance must be made with the provisions of 43 CFR 3123.2."

Under the circumstances, it was mandatory that the land office reject Mullinax' lease offer. The words clearly printed on the reverse side of the entry card constituted sufficient notice to the appellant that more was required than simply the name and address of other parties in interest. The regulation cited on the card, 43 CFR 3102.7 (formerly 3123.2(c)(3), 35 F.R. 9680), provides among other things that:

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 cancellation of any lease that may have been issued pursuant to the offer.

The appellant failed to comply with the provisions of the aforementioned regulation.

Rejection of a lease offer for failure to adhere to the requirements of the cited regulations is mandatory. Richard Hubbard, 78 I.D. 170 (1971); Gill Oil Company, 2 IBLA 18 (1971); Jesse B. Graner et al., A-30899 (March 29, 1968).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior (211 DM 13.5; 35 F.R. 12081), the decision appealed from is affirmed.

Anne Poindexter Lewis, Member

We concur:

Edward W. Stuebing, Member

Martin Ritvo, Member

