

BEAR CREEK CORPORATION

IBLA 72-173

Decided March 20, 1972

Appeal from decision (W 31643) by Wyoming state office, Bureau of Land Management, rejecting oil and gas lease offer.

Reversed and remanded.

Oil and Gas Leases: Applications: Generally--Oil and Gas Leases:
Applications: Amendments

Where an over-the-counter noncompetitive oil and gas lease offer is filed by a corporation unaccompanied by a statement of its qualifications or a reference by serial number to the record in which it has been filed, and such defect is remedied prior to the filing of any junior offer, the first offer may be considered with priority as of the date the curative data is filed.

APPEARANCES: W. J. Holcombe, President and sole stockholder of the corporation, pro se.

OPINION BY MRS. LEWIS

Bear Creek Corporation has appealed from a decision of November 1, 1971, by the Wyoming state office, Bureau of Land Management, which rejected its noncompetitive oil and gas lease offer, W 31643, filed October 18, 1971, because its corporate qualifications did not accompany the application nor was any reference to a serial number where they might be filed given in the offer. 1/

With its appeal, filed November 17, 1971, the corporation transmitted the necessary showings. Therefore, the offer may now be considered with priority as of that date. See William B. Collins, 4 IBLA 8 (1971), and cases cited. As pointed out in Collins, the case of an over-the-counter filing is distinguishable from other cases dealing with a successful drawing entry card lease offer in a drawing embracing simultaneously filed offers.

1/ See 43 CFR 3102.4-1 (1971).

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 below is reversed, and the case is remanded to the Bureau of Land Management for further action in accordance herewith.

Anne Poindexter Lewis, Member
We concur:

Frederick Fishman, Member

Joseph W. Goss, Member

