

CANSO OIL & GAS, INC.

IBLA 72-59

Decided November 3, 1972

Appeal from decision (Wyoming 29675) of the Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease offer.

Reversed and remanded.

Oil and Gas Leases: Applications

Where a simultaneous oil and gas drawing entry card contains the qualification file number of a corporation, the corporation's noncompetitive offer to lease for oil and gas should not be rejected because of a minor or typographical error in the corporate name.

APPEARANCES: Jack D. Emery, Esq., of Casper, Wyoming, for appellant.

OPINION BY MR. RITVO

Canso Oil & Gas, Inc., has appealed from a decision of the Wyoming State Office, Bureau of Land Management, dated July 30, 1971, which rejected its simultaneously filed oil and gas offer Wyoming 29675.

On June 28, 1971, appellant filed simultaneous oil and gas drawing entry card, form 3120-21, covering parcel no. 128 1/ described in simultaneous filing card no. 295-9007. Under "corporate name" on the card, appellant typed "Canso Oil & Gas, Ltd., a Wyoming Corporation" (emphasis added).

The application was assigned Wyoming No. 29675. The card was drawn first at a simultaneous drawing held on June 28, 1971. A receipt was issued for the advance rental. However, on July 30, 1971, the lease offer was rejected on the basis that "corporate qualification papers did not accompany the card nor was any reference as to serial number where they might be filed stated on the card," citing 43 CFR 3102.4-1.

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1/ The lands were described as T. 47 N., R. 76 W., of the 6th P.M., Johnson County, Wyoming, sec. 5: SW 1/4 NW 1/4.

Appellant's Simultaneous Oil and Gas Drawing Entry card, however, had stamped on it "Wyoming Corporation Qualification File U.S.A. Wyoming # 094406." Appellant claims that the rejection by the Bureau was apparently made on the basis that the offer had stated the name "Ltd." rather than "Inc."

Appellant therefore claims that the name of the corporation "\*\*\* is an obvious clerical and typographical error \*\*\* which \*\*\* should not be permitted to defeat the vested rights of this successful applicant \*\*\*."

We agree with appellant. Assuming the application is otherwise in proper form, which is indicated by the record and is neither admitted nor denied by the Bureau, the mere mistaking of the ending of the corporate name should not defeat the entire application. Moreover, appellant properly designated the company as a Wyoming corporation and included the corporation qualification number. A minor or typographical error in the corporate name should not invalidate an otherwise valid offer.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision is remanded to the Bureau for further proceedings consistent herewith.

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Martin Ritvo, Member

We concur:

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Frederick Fishman, Member

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Anne Poindexter Lewis, Member

