

ROSS I. GALLEN

IBLA 74-105

Decided March 11, 1974

Appeal from a decision by the Wyoming State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offers W 41166 and W 41171.

Affirmed.

Notice--Regulations: Generally

All persons dealing with the Government are presumed to have knowledge of duly promulgated regulations.

Administrative Practice--Oil and Gas Leases: Applications: Generally--Oil and Gas Leases: Applications: Sole

Where a oil and gas lease offer filed on a drawing entry card in a simultaneous filing procedure contains the name of additional parties in interest and the statements of interest, copy or explanation of the agreement among the parties, and evidence of the qualifications of the additional parties are not filed within the time required by 43 CFR 3102.7, the offer must be rejected.

APPEARANCES: Ross I. Gallen, Esq., pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

Ross I. Gallen has appealed from a decision of the Wyoming State Office, Bureau of Land Management, dated September 12, 1973, rejecting his noncompetitive oil and gas lease offers W 41167 and W 41171 for the reason that the statement of interest, required by 43 CFR 3102.7 to be signed by all parties in interest in the offers,

showing the nature and extent of the parties' interests in the lease and evidence of their qualifications, was not filed.

On July 16, 1973, Gallen filed and executed a lease offer drawing card for each of two parcels available for leasing. On the reverse side of the card, Gallen named Marjorie Gallen and A. A. Gallen as parties in interest. The reverse side of the lease offer has the following notice conspicuously printed, "NOTE: Compliance must be made with the provisions of 43 CFR 3102." A subdivision under that subpart, 43 CFR 3102.7, provides:

* * * 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.

The separate statement of interest was not filed in this instance.

Gallen maintains that the decision should be reversed because he was materially misled by the information printed on the simultaneous entry card in two respects: one, the card itself does not specify that the other parties in interest must delineate the nature and extent of their interest in a separate statement; and two, the instructions on the card do not make it clear whether the card must be signed by other parties in interest.

In response to Gallen's contention that the drawing card was misleading because it did not state that a separate statement of interest had to be filed, the regulations referred to on the card and quoted above clearly prescribe the requirement. In any event, all persons dealing with the Government are presumed to have knowledge of duly promulgated regulations. 44 U.S.C. §§ 1507, 1510 (1970); Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380, 384-85 (1947); Rosner v. Secretary of HEW, 306 F. Supp. 853, 855 (S. D. Fla. 1970). The regulation applicable here is a duly promulgated regulation. The reference on the card helps an offeror to find the pertinent regulations, but does not limit his duty to comply fully with them. As the parties in interest failed to comply with 43 CFR 3102.7, the offers must be rejected. W. D. Girand, 13 IBLA 112, 113 (1973); Robert L. Evans, 10 IBLA 236, 237 (1973).

Appellant's second contention, that it is unclear whether the drawing card must be signed by other parties in interest, is irrelevant. His offer was rejected not because the other parties in interest failed to sign the drawing card, but because they did not sign a separate statement of interest and otherwise meet the requirements of 43 CFR 3102.7.

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.

Joan B. Thompson
Administrative Judge

We concur:

Joseph W. Goss
Administrative Judge

Anne P. Lewis
Administrative Judge

