

CHEVRON OIL COMPANY

IBLA 74-333 Decided August 8, 1974

Appeals from decisions of Nevada State Office, Bureau of Land Management, rejecting geothermal resources lease applications N-8184 and N-8188.

Reversed.

Geothermal Leases: Applications: Generally

Where an applicant has filed three applications for geothermal resources leases, one application of which is totally overlapped by the other two, but withdraws the conflicting application before the end of the filing period, it is error for the State Office to reject the remaining two applications, which do not overlap each other, as being violative of 43 CFR 3210.2-2, which interdicts overlapping applications from the same applicant during the same filing period.

APPEARANCES: Ms. Barbara F. Perez, Assistant Secretary, Chevron Oil Co., for appellant.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Chevron Oil Company has appealed from separate decisions dated May 15, 1974, whereby the Nevada State Office, Bureau of Land Management, rejected geothermal resources lease applications N-8184 and N-8188 because some of the lands described in each application were also included in another application of Chevron filed during the same filing period.

The regulations provide that no applicant shall file during the same filing period a second application which overlaps any of the

land covered by his first application, 1/ and that withdrawals of applications are permitted if received before a lease has been issued in response thereto. 2/

It appears that Chevron, on January 21 during the January 1974 filing period, submitted geothermal resources lease application N-8183 for all secs. 22, 28, 30 and 32, T. 29 N., R. 49 E., M.D.M., Nevada; application N-8184 for all secs. 4 and 8, T. 28 N., R. 49 E., all sec. 30, N 1/2, S 1/2 S 1/2 sec. 34, T. 29 N., R. 49 E.; and application N-8188 for all sec. 6, T. 28 N., R. 49 E., and all secs. 22, 28 and 32, T. 29 N., R. 49 E. Clearly, these applications would create a violation of 43 CFR 3210.2-2 if all of them remained on file at the close of the filing period. However, Chevron, prior to the end of the filing period, transmitted a letter, received in the State Office at 1:25 p.m., January 31, 1974, withdrawing its application for all secs. 22, 28, 30 and 32, T. 29 N., R. 49 E. A withdrawal of an application takes effect eo instante upon its receipt by a State Office. Lauren W. Gibbs, 67 I.D. 350 (1960).

So, at the time of initial consideration of applications received during the January filing period, on February 1, the first working day following the end of the January filing period, application N-8183 had been withdrawn and there was not any overlapping between the Chevron applications remaining, N-8184 and N-8188.

Accordingly, we find it was error for the State Office to reject applications N-8184 and N-8188 for alleged violation of 43 CFR 3210.2-2.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are reversed, and the cases are remanded to the State Office for further consideration.

Douglas E. Henriques
Administrative Judge

1/ 43 CFR 3210.2-2.

2/ 43 CFR 3210.2-3.

We concur.

Edward W. Stuebing
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

