

JERRY VAN WAARDHUIZEN

IBLA 76-382

Decided August 2, 1976

Appeal from decision of the Montana State Office, Bureau of Land Management, rejecting oil and gas lease offer M-32709, filed on a drawing entry card.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Applications: Drawings

A simultaneous oil and gas lease offer is properly rejected and the filing fee retained where the offeror, in completing the drawing card, does not provide the name of the State in which the parcel of land is located.

APPEARANCES: Jerry Van Waardhuizen, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Jerry Van Waardhuizen has appealed from a decision of the Montana State Office, Bureau of Land Management, dated December 10, 1975, which rejected his oil and gas lease offer M-32709 because he had failed to indicate the name of the State where the parcel of land is located in the space provided on the drawing entry card. Appellant's card had been drawn first in the November 1975 drawing for parcel number 599.

Appellant states that the card had no computer blocks next to the word "State" on the drawing entry card, and that he properly identified the parcel "# 599 - M 13432" as was indicated on the list of lands available for the filing of offers. He also states that he may have overlooked any instruction to include the name of the State.

[1] Virtually the same fact situation was presented to the Board of Land Appeals in Ray Granat, 25 IBLA 115 (1976), and the Board ruled that simultaneous oil and gas lease offers must be

rejected where the offerors did not include the name of the appropriate State in the designated space on the card. See also Rexmull F. Manyeto, 25 IBLA 218 (1976); Albert E. Mitchell, III, 20 IBLA 302 (1975). The Board based its decision on a regulation, 43 CFR 3112.2-1(a), which provides:

Offers to lease such designated leasing units by parcel numbers must be submitted on a form approved by the Director, "Simultaneous Oil and Gas Entry Card" signed and fully executed by the applicant or his duly authorized agent in his behalf. \* \* \* [Emphasis added.]

The Board noted that BLM Form 3112-1 (May 1974) was designated as the correct form of lease offer for simultaneous filing by notice published in the Federal Register, 34 F.R. 24523 (1974). That same notice contained this statement:

Failure to complete any part of the card will disqualify the applicant for participation in the drawing and will result in the retention of the \$ 10 filing fee by the Federal Government as a service charge.

Adherence to these precedents constrains us to affirm the rejection of appellant's offer.

Accordingly, 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.

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Frederick Fishman  
Administrative Judge

We concur:

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Edward W. Stuebing  
Administrative Judge

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Douglas E. Henriques  
Administrative Judge

