

DENNA R. VAN DE WALKER

IBLA 76-772 Decided November 9, 1976

Appeal from a decision of the New Mexico State Office of the Bureau of Land Management rejecting oil and gas lease offer NM 27753.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

A simultaneous oil and gas lease offer is properly rejected when the offeror fails to execute fully the drawing entry card by not identifying on the card the state in which the parcel of land is located.

APPEARANCES: Denna R. Van De Walker, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

The simultaneously-filed drawing entry card of Denna R. Van De Walker was drawn third by the New Mexico State Office, BLM, in the drawing held March 9, 1976, to determine the priority of consideration for awarding an oil and gas lease covering Parcel No. 479. 1/

By its decision dated August 25, 1976, the BLM State Office rejected the offer because of her failure to fully execute the drawing entry card, in that she left blank the space provided for indicating the state in which the land is situated.

1/The offers drawn first and second were likewise disqualified, but were not appealed.

In her statement of reasons for appeal, she declares that the omission of the words "New Mexico" from the appropriate space on the drawing entry card was "purely an oversight on my part," and that she had fully intended to complete the card properly. However, she also argues that the omission should not constitute a valid reason for rejection of her offer, as Parcel No. 479 was only available in the State of New Mexico that month, there being no other parcels with that numerical designation being listed in any other state. 2

The fact that this particular parcel number, being relatively high, was not duplicated in the listings for other states that month does not avoid the need for the rule that parcel numbers must be identified by state. However, it would be unworkable to enforce the requirement that the state be listed only against those who filed for parcels whose numbers were duplicated in other states that month.

Offers to lease submitted in response to a notice of simultaneous offering must be filed on an approved entry card which is "signed and fully executed by the applicant." 43 CFR 3112.2-1(a). This instruction is clearly stated on the back of the May 1974 version of Form 3112-1, the approved entry card filed by appellant. The Board has held that failure to include in the space provided on the card the name of the state in which the parcel of land is located renders the card incomplete and subject to rejection. Gerald C. Calhoun, 27 IBLA 362 (1976); Rexmull F. Manyeto, 25 IBLA 218 (1976); Ray Granat, 25 IBLA 115 (1976); Albert E. Mitchell, III, 20 IBLA 302 (1975). The BLM State Office therefore properly rejected 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.

Edward W. Stuebing
Administrative Judge

We concur.

Joan B. Thompson
Administrative Judge

Douglas E. Henriques
Administrative Judge

2We assume the correctness of this statement.

