

E. FENTON CAREY

IBLA 77-40

Decided March 21, 1977

Appeal from decision of New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer NM 28644.

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 full designation of the parcel by both number and letter prefix.

APPEARANCES: Don M. Fedric, Esq., Hunker-Fedric, P.A., Roswell, New Mexico, for appellant.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

The simultaneously filed drawing entry card of E. Fenton Carey was drawn first by the New Mexico State Office, Bureau of Land Management (BLM), in the drawing held on August 6, 1976, to determine the priority of consideration for awarding an oil and gas lease for Parcel NM 922.

The BLM State Office issued a decision dated September 30, 1976, rejecting appellant's offer because of his failure to fully execute the drawing entry card, in that he failed to use the code prefix to the parcel number.

In his statement of reasons, appellant contends that the primary purpose for the use of parcel numbers is to identify the parcels. He argues that if an offer is timely filed in the proper office with the required fee and adequate identification of the

parcel applied for, so that there can be no chance of mistake or error as to the parcel or offeror, there is no reasonable basis for rejecting the offer for lack of parcel identification. Appellant points out that the February 1976 card eliminates the state designation portion of the card to be completed by the applicant and that the card itself does not indicate that the applicant must put down either state designation or designation of state by alphabetical prefix.

[1] Proper identification of the parcel of land must be made in accordance with the regulations. 43 CFR 3112.2-1(a) requires that 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." This instruction is clearly stated on the back of the entry card filed by appellant. The fact that the drawing entry card has been revised to eliminate the need for the applicant to enter the name of the state separately does not excuse appellant's failure to use the required prefix.

We also note that the July 19, 1976 "Notice of Lands Available for Oil and Gas Filings" specifically states that under the new parcel numbering system, all drawing entry cards must show the state office code as prefix and part of the parcel number.

Appellant's failure to include in the space provided on the card the full designation of the parcel renders the card incomplete and subject to rejection. See Denna R. Van De Walker, 28 IBLA 60 (1976); Gerald G. Calhoun, 27 IBLA 362 (1976); Richard Lovatt, 27 IBLA 306 (1976); Ray Granat, 25 IBLA 115 (1976). 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

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Administrative Judge

We concur:

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Newton Frishberg  
Chief Administrative Judge

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Joseph W. Goss  
Administrative Judge

