

EARL THOMPSON

IBLA 77-31

Decided March 22, 1977

Appeal from decision of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease offer NM 28491.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

An offer for an oil and gas lease filed on a simultaneous drawing entry card must be rejected when the offeror has failed to indicate the date he signed the card.

APPEARANCES: James West [?] 1/ of Federal Resources, Inc., Dallas, Texas, for appellant.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

This is an appeal from the September 28, 1976, decision of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease offer NM 28491 for the stated reason that appellant failed to indicate the date on the drawing entry card. 2/

1/ Signature unclear.

2/ At the outset, we wish to note that the notice of appeal was signed by a James West (see n. 1) on stationery of a private leasing service. An unsigned statement of reasons was filed, but it arrived in an envelope from the same leasing service. These circumstances raise certain questions including the qualifications of Mr. West or private leasing services to practice before the Department as provided by 43 CFR 1.3. Because the decision below is correct on its merits, we are considering this appeal as if it were properly filed. This should not be interpreted as any recognition of Mr. West or the leasing service in this case as qualified to practice before this Board. Resolving the procedural questions concerning practice before this Board would necessitate a delay in deciding this appeal. Such a delay would only postpone the leasing of the land and would not be in the public interest.

[1] An oil and gas lease can only be issued to the first qualified applicant. 30 U.S.C. § 226(c); 43 CFR 3112.2-1. Although appellant's card was drawn first for the parcel applied for in the July 12, 1976, drawing of simultaneously filed offers, it was not a qualified offer because the card was not fully executed in that appellant failed to provide the date. 43 CFR 3112.2-1(a); Helen E. Ferris, 26 IBLA 382 (1976).

Appellant contends that the date of the filing fee check should be deemed sufficient, but we rejected a similar argument in Ferris, supra.

Appellant also contends that because parcels are specifically designated for a particular filing period, the insertion of the parcel number on the card is a sufficient substitute for the date. This argument is without merit, for at best, the only "date" that could be imputed is the entire filing period. Ferris, supra, indicates that only a date indicating an exact day satisfies the requirement.

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:

Newton Frishberg
Chief Administrative Judge

Joseph W. Goss
Administrative Judge

