

ETTA D. HARRIS

IBLA 77-183

Decided March 25, 1977

Appeal from a decision of the New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease offer NM-A 29441.

Affirmed.

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

Simultaneous oil and gas drawing entry cards must be fully executed by the applicant and when the applicant omits a state prefix in the parcel number, the lease offer is properly rejected.

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

Where an applicant fails to include the state prefix of the parcel number on an oil and gas drawing entry card, she has not complied with 43 CFR 3112.2-1(a) which requires that the card be "fully executed" and her offer is properly rejected whether the defect is discovered before or after the drawing.

APPEARANCES: Etta D. Harris, pro se.

#### OPINION BY ADMINISTRATIVE JUDGE RITVO

In a drawing of simultaneously filed oil and gas lease offers filed on November 15, 1976, in the New Mexico State Office, Bureau of Land Management (BLM), the offer of appellant was drawn first for parcel NM 216. On February 3, 1977, the State Office, BLM,

informed appellant her offer was being refused for failure to have entered the prefix "NM" on her simultaneous oil and gas lease drawing entry card.

The November 15, 1976, notice of lands available for filing reads:

Filings must be made on simultaneous oil and gas drawing entry card, Bureau Form 3112-1 (May 1974 or later). Under the new parcel numbering system, all drawing entry cards must show the State Code as prefix and part of the parcel numbering system. If the old entry cards are used (May 1974 or later), the State Prefix must be manually inserted and made a part of the number for each parcel. Failure to comply with the new parcel numbering system will result in rejection of offer and the filing fee will be retained. \* \* \*

Appellant submitted an old entry card and failed to insert the prefix "NM" before the parcel number. Since the card was not issued and fully executed as required by 43 CFR 3112.2-1(a), the State Office rejected the offer.

Appellant in her Statement of Reasons admitted her mistake in omitting the state prefix (NM) but asserts the entry card should have been checked and rejected prior to the drawing. She then asserts since the BLM allowed the card into the drawing and then rejected it, it is the mistake of the BLM and she should be awarded the lease.

[1] 43 CFR 3112.2-1(a) requires the simultaneous oil and gas drawing entry card to be signed and fully executed. This Board has rejected lease offers where the drawing card omitted the date of execution of the card, John R. Mimick, 25 IBLA 107 (1976); the name of the state in which the parcel of land is located, Eleanor R. Neuberger, 29 IBLA 168 (1977); Ray Granat, 25 IBLA 115 (1976); Gerald R. Calhoun, 27 IBLA 362 (1976); Hartley L. Gordon, 27 IBLA 315 (1976); James W. O'Connor, 27 IBLA 247 (1976); and the omission of a zip code, Beverly J. Steinbeck, 27 IBLA 249 (1976).

Here, where appellant omitted the state prefix which forms part of the parcel number her lease offer will be rejected because the drawing entry card is not fully executed.

[2] Appellant's primary contention is she should be awarded the lease because of BLM's failure to reject her offer prior to the drawing. Under section 17 of the Mineral Leasing Act, as amended, 30 U.S.C. § 226 (1970), when the Secretary of the Interior determines that an oil and gas lease is to be issued for a particular tract, it must be issued to the first qualified applicant. The offer of an unqualified applicant must be rejected whether the defect in the drawing card was discovered before or after the drawing. McKay v. Wahlenmaier, 226 F.2d 35 (D.C. Cir. 1955); John R. Mimick, supra.

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.

Martin Ritvo

---

Administrative Judge

We concur:

---

Frederick Fishman  
Administrative Judge

---

Edward W. Stuebing  
Administrative Judge

