

AMERADA HESS CORP.

IBLA 78-1

Decided February 17, 1978

Appeal from decision of the Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease offer W-60456.

Affirmed.

1. Oil and Gas Leases: Applications: Description—Oil and Gas Leases: Applications: Drawings

An oil and gas lease drawing entry card is properly rejected where it contains incorrect information, in that the parcel number of the land applied for is misstated, notwithstanding the fact that the misstatement was the result of an inadvertent typographical error.

APPEARANCES: C. M. Murray, Land Supervisor, Amerada Hess Corp., for appellant.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

The Amerada Hess Corp. (appellant) has appealed from the August 25, 1977, decision of the Wyoming State Office, Bureau of Land Management (BLM), rejecting its first-drawn lease offer because the parcel applied for in the offer, "WT-94," did not appear on the simultaneous list.

[1] It is apparent, as pointed out by appellant in its Notice of Appeal, that it was attempting to file an offer card for parcel WY-94, but inadvertently made an "obvious typographical error" by designating the parcel applied for as "WT-94" on the drawing entry card.

Under 43 CFR 3112.2-1(a), drawing entry cards must be "by parcel numbers" and "fully executed." These requirements have recently been

held to require that the applicant include in the space provided on the entry card the full designation of the parcel, including the alphabetical state office code as prefix to this parcel designation. Failure to include this prefix renders the card incomplete and subject to rejection. Gerald L. Christensen, 30 IBLA 303 (1977); Ernest T. Squires, 30 IBLA 288 (1977); John P. Levycky, 30 IBLA 127 (1977); Etta D. Harris, 29 IBLA 259 (1977); E. Fenton Carey, 29 IBLA 196 (1977). Inclusion of an outdated state prefix renders the lease offer inadequate and subject to rejection. Marcia P. Lane, 33 IBLA 68 (1977).

The filing requirements for drawing entry cards set out in 43 CFR 3112.2-1(a) are subject to strict construction and are rigidly enforced. Gerald L. Christensen, *supra* at 305. There is no margin for error in preparing these cards because of the large number of filings in the simultaneous drawing system, and as a matter of administrative convenience. Albert H. Mitchell III, 20 IBLA 320 (1975). The Federal Register notice which designated BLM Form 3112-1 as the correct form of lease offer for simultaneous filing, 34 FR 24523 (1974), contains 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.

This policy has been uniformly applied by this Board in all cases where drawing entry cards are not fully completed. Gerald L. Christensen, and other cases cited *supra* (failure to include alphabetical state prefix); Anchors and Holes, Inc., 33 IBLA 339 (1978), and John R. Mimick, 23 IBLA 107 (1976) (failure to include date on which signature of applicant was affixed); Robert J. Burkhill, 28 IBLA 76 (1976), and Helen E. Ferris, 26 IBLA 382 (1976) (failure to supply complete date, that is, month, day, and year on which signature was affixed); Thomas V. Gullo, 29 IBLA 126 (1977) (failure to include both dates on which signatures of two joint applicants were affixed); Amy H. Hanthorn, 27 IBLA 369 (1976), and Beverly J. Steinbeck, 27 IBLA 249 (1976) (failure to include ZIP code), John Willard Dixon, 28 IBLA 275 (1976), Frank DeJorg, 27 IBLA 313 (1976), and Herbert W. Schollmeyer, 25 IBLA 393 (1976) (failure to sign offer card).

Moreover, we have held implicit in the requirement that drawing entry cards be fully completed the additional requirement that they be correctly completed. A drawing entry card bearing an outdated state prefix must be rejected. Marcia P. Lane, *supra*. A corporation's drawing entry card which is incorrectly signed by placing its name in script on the signature line rather than by placing

the signature of a properly designated authorized officer, must be rejected. Anchors and Holes, Inc., supra. A postdated drawing entry card must be rejected as bearing incorrect information even where the applicant alleges that the deficiency results from an obvious typographical error. Ray Flamm, 24 IBLA 10 (1976). The burden of properly identifying the parcel applied for in an entry card must necessarily fall upon the applicant, and an applicant in a drawing may correct the parcel number on his entry card only prior to the expiration period for acceptance of simultaneous filings. Robert D. Houston, 12 IBLA 336 (1973).

Thus, as shown by the foregoing, it is well established that either the omission of the state designation or prefix, or an error in entering the same on the card will mandate the disqualification of the lease offer.

Appellant's offer card bore incorrect information, in that the alphabetical prefix to the parcel number applied for was misstated. Insertion of an incorrect alphabetical prefix requires rejection of the offer. Marcia P. Lane, supra. The fact that this misstatement may have resulted from a typographical error is immaterial. See Ray Flamm, supra. Appellant failed to correct this parcel number prior to the expiration of the period for acceptance of simultaneous filings. Its request on appeal that its entry card be considered as an offer for parcel WY-94 is at best an untimely filing of an amended offer and accordingly cannot be considered. Ballard E. Spencer Trust, Inc., 18 IBLA 25 (1974), aff'd, B.E.S.T., Inc. v. Morton, 544 F.2d 1067 (10th Cir. 1976). We hold that appellant failed to meet the burden of supplying correct information on its drawing entry card concerning the parcel applied for, and that its offer was properly rejected by BLM.

Although the deficiency in appellant's drawing entry card might be regarded as mere harmless error, rejection of the offer is nevertheless mandated, since this result insures uniform administration of the law and equality of treatment of such offers, a matter of special concern where, as here, the rights of the offerors holding second and third priorities are also at issue. Helen E. Ferris, supra at 385 (concurring opinion); Ballard E. Spencer Trust, Inc., 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.

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Edward W. Stuebing  
Administrative Judge

We concur:

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Joseph W. Goss  
Administrative Judge

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Frederick Fishman  
Administrative Judge

