

L. ALICE COLLISTER

IBLA 78-333

Decided March 16, 1979

Appeal from a decision of the Chief, Minerals Section, Utah State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer U-39187.

Set aside and remanded.

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

An entry card in a simultaneous oil and gas lease drawing need not be rejected under 43 CFR 3112.2-1(a) where the State prefix of the parcel number is placed on the card immediately below the boxes provided for designation of the parcel number.

APPEARANCES: William B. Collister, Esq., Denver, Colorado, for appellant.

OPINION BY ADMINISTRATIVE JUDGE GOSS

L. Alice Collister has appealed from a decision of the Chief, Minerals Section, Utah State Office, Bureau of Land Management (BLM), dated February 28, 1978, rejecting her simultaneous oil and gas lease offer U-39187 for failure to "fully execute" her drawing entry card (DEC) within the meaning of 43 CFR 3112.2-1(a).

Appellant's DEC was the third drawn card for parcel number UT-57. The card was rejected because the parcel number shown on the card omitted the State prefix. BLM cites E. Fenton Carey, 29 IBLA 196 (1977), in support of its decision.

On appellant's entry card the State prefix was printed immediately under the boxes provided for the parcel number. The boxes contained the numerical portion of the parcel number.

Appellant, in her statement of reasons for appeal, contends that "[t]he prefix is obviously on the * * * card and states quite clearly '57' UT."

[1] Departmental regulation, 43 CFR 3112.2-1(a) states: "Offers to lease such designated leasing units by parcel numbers must be submitted on a form approved by the Director, "Simultaneous Oil and Gas Entry Card" signed and fully executed by the applicant or his duly authorized agent in his behalf." The Board has consistently held that drawing entry cards omitting the State prefix entirely must be rejected. See E. Fenton Carey, supra, and cases cited therein.

We have, however, held that a drawing entry card will be deemed to have been "fully executed" where the name of the State wherein the parcel is located is placed over the boxes labelled "Parcel Number applied for." Clayton Chessman, 34 IBLA 263 (1978). The present case is on point. The prefix indicating the State wherein the parcel is located was placed immediately below the parcel number boxes.

To apply the reasoning in Chessman, there is no confusion or administrative burden resulting from a State prefix being placed below the boxes provided for designating the parcel number. The entry card is deemed to have been fully executed under the regulation.

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 set aside and the case remanded to the Utah State Office.

Joseph V. Goss
Administrative Judge

I concur.

Joan B. Thompson
Administrative Judge.

ADMINISTRATIVE JUDGE HENRIQUES CONCURRING UNWILLINGLY:

I dissented from the majority views expressed in Clayton Chessman, 34 IBLA 263 (1978), because I thought them to be a serious departure from the rules of strict construction earlier expressed by this Board in cases involving minor errors in the drawing entry cards submitted in BLM's simultaneous filing procedures. My personal opinion has not changed. However, I feel that further dissent would be futile. I am constrained, therefore, to follow the majority holding, even though I feel it is incorrect.

Douglas E. Henriques
Administrative Judge

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