

WILFRED PLOMIS

IBLA 80-4

Decided December 19, 1979

Appeal from decision of the Eastern States Office, Bureau of Land Management, rejecting oil and gas lease offer ES 18337.

Affirmed.

Oil and Gas Leases: Applications: Descriptions -- Oil and Gas Leases:
Description of Land

A metes and bounds description, with courses and distances between successive angle points and appropriate ties to the nearest official survey corner, is properly required pursuant to 43 CFR 3101.2-3(a) where the description of lands in an oil and gas lease offer cannot be conformed to the public land surveys.

APPEARANCES: Wilfred Plomis, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Wilfred Plomis appeals from a decision dated August 7, 1979, by the Eastern States Office, Bureau of Land Management (BLM), which rejected his lease offer ES 18337 because the lands therein were improperly described.

BLM's rejection was based on 43 CFR 3101.2-3(a) which provides:

(a) Surveyed lands. If the land has been surveyed under the rectangular system of public land surveys, and the description can be conformed to that system, the land must be described by legal subdivision, section, township, and range. Where the description cannot be conformed to the public land surveys, any boundaries which do not so conform must be described by metes and bounds, giving courses and distances between the successive angle points with appropriate ties to the nearest existing official survey corner. If not so surveyed and if within the area of the public land surveys, the land must be described by

metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected with a reasonably nearby corner of those surveys by courses and distances.

Appellant's lease offer describes the lands in question as follows:

Land requested: State LOUISIANA County NATCHITOCHEs

T6N R6W Section 22: NW Trangular [sic] half of
NE 1/4 NE 1/4 SE 1/4

22: NW Trangular [sic] half of
SW 1/4 NE 1/4 SE 1/4

T5N R6W Section 14: SE 1/4 NE 1/4 (Tract K-14)

Appellant states on appeal that the lands are defined in accordance with the rectangular system of Survey and his offer should therefore be accepted.

[1] We disagree. The lands requested in appellant's offer (sec. 22) are in the configuration of triangles, and therefore a metes and bounds description with courses and distances between the successive angle points and appropriate ties to the nearest official survey corner is required, pursuant to 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 affirmed.

Frederick Fishman
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Edward W. Stuebing
Administrative Judge

