

GEOSEARCH, INC.

IBLA 80-150

Decided May 27, 1980

Appeal from decision of the Wyoming State Office, Bureau of Land Management, dismissing protest with respect to oil and gas lease W 62362.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

A protest against the issuance of an oil and gas lease is properly dismissed where it is based on vague allegations of noncompliance with leasing regulations and is unsupported by facts showing that the successful drawee should have been disqualified, or that the lease should have been cancelled.

APPEARANCES: Melvin E. Leslie, Esq., Salt Lake City, Utah, for appellant; J. Michael Shane, Esq., Shane and Franz, Olean, New York, for appellee.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Geosearch, Inc., appeals from a decision dated October 29, 1979, by the Wyoming State Office, Bureau of Land Management (BLM), which dismissed its protest with respect to oil and gas lease W 62362. This lease was issued effective November 1, 1978, to first drawee Arthur E. Yahn, Jr., appellee herein. In July 1979, appellant purchased the interest of the individual whose drawing entry card was drawn with second priority in the simultaneous drawing. Appellant's standing as second priority drawee forms the basis for its protest herein. The protest alleged that in addition to Yahn's own individual filing, he also employed a filing service to file for him.

In response, Yahn submitted a letter asserting that no filing agreement existed and that he had not engaged in multiple filings.

BLM dismissed the protest, stating that no violations of the filing regulations (43 CFR 3102.7 and 43 CFR 3112.5-2) had been demonstrated.

On appeal to this Board appellant maintains that some kind of agreement existed between Yahn and the filing service, and that Yahn's statement to the contrary is a misrepresentation. Appellant conjectures that if such an agreement existed there "might be" violations of the aforementioned leasing regulations.

[1] There is no indication in the record of any violation of the leasing regulations, which if established, would disqualify the successful drawee. Appellant's allegations to the contrary are entirely conjectural, and unsupported by any basis in fact. Appellant has failed to meet his burden of showing by competent evidence of irregularities that the lease offer was improperly issued, or that the regulations were otherwise violated. Geosearch, Inc., 41 IBLA 291 (1979); Geosearch, Inc., 40 IBLA 267 (1979). Accordingly, the protest was properly dismissed.

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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Frederick Fishman  
Administrative Judge

We concur:

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Douglas E. Henriques  
Administrative Judge

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Edward W. Stuebing  
Administrative Judge