

H. L. McCARROLL

IBLA 81-19

Decided June 18, 1981

Appeal from the decision of the New Mexico State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offer NM 40196.

Affirmed.

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

A simultaneous oil and gas lease offer is properly rejected where the drawing entry card is dated more than 10 days prior to the beginning of the filing period.

2. Oil and Gas Leases: Applications: Drawings

Failure to complete properly information required on a simultaneous oil and gas lease drawing entry card renders the card defective and requires rejection of the offer based upon the mandatory requirements in 43 CFR 3112.2-1(a) (1979) that the card be "signed and fully executed." This requirement is strictly applied and, therefore, a date on the card 2 years prior to the filing, even though resulting from inadvertent error, renders the card defective.

APPEARANCES: H. L. McCarroll, pro se.

OPINION BY ADMINISTRATIVE JUDGE BURSKI

H. L. McCarroll has appealed the decision of the New Mexico State Office, Bureau of Land Management (BLM), dated August 8, 1980, rejecting his simultaneous oil and gas lease offer, NM 40196, drawn with

number two priority for parcel No. NM 398 at the February 12, 1980, drawing. The decision states that the offer is rejected for the following reasons:

The filing period for January was January 21 through January 28, 1980. The list was dated January 21, 1980. The entry card submitted by H. L. McCarroll was dated January 24, 1978. * * * Simultaneous entry cards executed ten days prior to the date of filing will be rejected. See Kathryn J. Eckles and Harley L. Williamson, 28 IBLA 390 (1977).

In his statement of reasons, appellant states that he filled out the drawing entry card (DEC) himself on January 24, 1980, he had never pre-signed entry cards for any filing period, and he doesn't know how he put the wrong year on the DEC. He encloses DEC's he had submitted for parcel Nos. NM 397 and NM 399 in the same drawing and which were dated January 24, 1980.

[1, 2] We may view this case in either of two ways. Either appellant executed his DEC 2 years before filing as reflected on the DEC itself or, as appears far more likely, he inadvertently placed the wrong date on the DEC as he explains in his statement of reasons. In either eventuality, we must affirm BLM's decision rejecting the lease offer.

The date indicated on the DEC is important because it shows that the offeror, by his signature and the date, certified to all statements made on the card as of that date. C. H. Coster Gerard, 41 IBLA 74, 75 (1979); Ray Flamm, 24 IBLA 10 (1976). Such certification must occur within a reasonable time of an offeror's filing in order that BLM may be assured that circumstances are as they are stated on the DEC and that the offeror has met the statutory and regulatory requirements for holding a lease. As stated in the BLM decision, a DEC executed more than 10 days prior to the date of its filing will be rejected. William J. Barrett, 49 IBLA 30 (1980); see Kathryn J. Eckles, 28 IBLA 390 (1977).

Furthermore, the Board has consistently held that failure to complete properly the information required on a simultaneous oil and gas lease DEC renders the card defective and requires rejection of the offer under 30 U.S.C. § 226(c) (1970). E.g., Ross B. Carrington, 46 IBLA 149 (1980) (failure to sign); Walker B. Moore, 41 IBLA 95 (1979) (date omitted); Walter M. Sorensen, 32 IBLA 345 (1977) (day of month omitted from date); Martin M. Sheets, 32 IBLA 7 (1977) (state where parcel located omitted or incorrect); Ray Flamm, supra (card postdated). This position is premised on the requirement of 43 CFR 3112.2-1(a) (1979) that entry cards must be "signed and fully executed."

As we explained in Walter M. Sorenson, *supra* at 347, the DEC's filed on particular parcels may number into the hundreds and thus strict adherence to the requirements of the regulations is necessary to ensure fairness and uniformity for all participants. To allow appellant to correct the date of his DEC on appeal, even where the error was inadvertent would in effect permit appellant to change his certification. This we cannot do.

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.

James L. Burski
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Bruce R. Harris
Administrative Judge

