

RONALD C. AGEL

IBLA 82-707

Decided May 3, 1982

Appeal from decision of Wyoming State Office, Bureau of Land Management, dismissing protest against rejection of superseded simultaneous drawing application cards. 3100 (943g).

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

An applicant for a simultaneously filed oil and gas lease is bound to conform to changes in application procedures duly promulgated by publication in the Federal Register and referred to in appropriate notices prior to the filing; and the fact that numerous applications were required to be returned to the applicant and to others because they were on the wrong form does not render the drawing invalid as to the remaining applicants.

APPEARANCES: Ronald C. Agel, pro se.

OPINION BY CHIEF ADMINISTRATIVE JUDGE PARRETTE

Ronald C. Agel appeals from the March 19, 1982, decision of the Wyoming State Office, Bureau of Land Management (BLM), dismissing his protest against the rejection of his and his wife's 400 simultaneously filed oil and gas lease applications in the January 1982 drawing. The applications were rejected by BLM because they were submitted on superseded forms, rather than on the new application form required for the Wyoming Office as of January 1982.

Appellant contends that BLM should have exercised a greater degree of flexibility in making the transition from the old to the new application forms, suggesting that BLM probably lost as much as \$10 million by returning all of the old cards to applicants. In addition, he protests the January drawing on the basis of his difficulty in receiving and understanding the rules for the January drawing, arguing that the public was not given adequate information on the new procedure.

[1] However, as BLM's decision letter noted, notice concerning the use of the new lease application form was published in the Federal Register on November 12, 1981 (46 FR 55783), and was noted in both the November 1981 and

January 1982 BLM notices of lands available. The January 1982 notice, commencing with its second paragraph, states the requirement as follows:

A new application from will be required for federal oil and gas leases offered only in Wyoming under the simultaneous drawing procedure. The new form will be used for all Wyoming drawings beginning in January 1982. The old filing card, dated June 1980 and later, will no longer be accepted by the Wyoming State Office.

Implementation of the new Simultaneous Oil and Gas Application will allow a participant to file for more than one parcel instead of filing a separate form for each lease parcel. The Bureau of Land Management (BLM) will be able to process the forms in less time and improve their ability to hold timely drawings.

The new form consists of Part A and Part B. Part A will establish a data file for use by all BLM state offices once they are automated and need only be filed once unless there is a name and address change. Part B will be used to randomly select parcel winners and to detect improper or illegal filings. It must be filed for each drawing in Wyoming.

The new forms are available from BLM's Wyoming State Office and from the Superintendent of Documents. When ordering please include the following form and stock numbers: Form 3112-6 Part A, 024-011-00146-8; Form 3112-62 Part B, 024-011-00147-6. The first five applications can be obtained free of charge from the BLM, otherwise they can be purchased for \$6.50 for Part A and \$6.50 for Part B per hundred applications from the Superintendent of Documents, Government Printing Office, Washington D.C. 20402. [Emphasis added.]

It is difficult to understand how appellant could have studied the January notice with reasonable diligence and not been aware of the new form requirement. ^{1/} In any event, as BLM's decision points out, all persons dealing with the Government are presumed to have knowledge of duly promulgated regulations. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); 44 U.S.C. § 1507 (1976).

Appellant and BLM do not agree on the number of applications that BLM rejected in connection with the January drawing, but that is immaterial to the disposition of this appeal. What is clear is that an application to lease must be on a form approved by the Director of BLM. 43 CFR 3112.2-1.

^{1/} A letter received from an attorney for one of the first-drawn applicants states:

"As I understand Mr. Agel's protest, it is based upon the grounds that he could not understand the BLM instructions for participating in the simultaneous drawing. In view of the fact that several thousand other people had no difficulty in understanding these instructions and were able to participate in the drawing, Mr. Agel's position seems frivolous."

Beginning January 1, 1982, the only application form approved by the Director for use in the simultaneous oil and gas drawing of the Wyoming State Office of the Bureau of Land Management was the new "Automated Simultaneous Oil and Gas Lease Application." 46 FR 55783 (Nov. 12, 1981).

Accordingly, 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.

Bernard V. Parrette
Chief Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Bruce R. Harris
Administrative Judge

