

IRWIN WALL

IBLA 82-780

Decided August 10, 1982

Appeal from a decision from Oregon State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer OR 32910.

Affirmed.

1. Oil and Gas Leases: Applications: Description--Oil and Gas Leases: Description of Land

Where BLM issues an oil and gas lease pursuant to an oil and gas lease offer which includes a land description which meets the requirements of 43 CFR 3101.1-4(a), the offer is not defective and BLM may properly reject a subsequent offer for the leased lands.

APPEARANCES: Irwin Wall, pro se.

OPINION BY ADMINISTRATIVE JUDGE FRAZIER

Irwin Wall has appealed from the March 31, 1982, decision issued by the Oregon State Office, Bureau of Land Management (BLM) which rejected his noncompetitive oil and gas lease offer OR 32910. The offer was filed September 14, 1981 and rejected by BLM because land described therein was included in oil and gas lease OR 25078 which was issued to Hawthorn Oil Company (Hawthorn) effective April 1, 1982.

In his statement of reasons in support of his appeal, appellant states that it is his opinion that the description contained in the Hawthorn lease offer is incorrect and that the description contained in his offer is, in fact, legally correct. Appellant's letter of May 13, 1982, reads in part:

It is the contention of the undersigned that the tract on which our offer was filed was not adequately described in the Hawthorn offer. The Hawthorn description was as follows:

Willamette Meridian,  
Oregon,  
T. 3 N.,  
R. 27 E.,  
Sec. 4: W 1/2  
(321.63 Acres).

We feel that in order to legally describe this tract it should be described as:

Willamette Meridian,  
Oregon,  
T. 3 N.,  
R. 27 E.,  
Sec. 4: unnumbered lots in the N 1/2 NW 1/4; S 1/2 NW 1/4, SW 1/4,  
(321.63 acres). [Emphasis in original.]

The Hawthorn lease offer, filed October 15, 1980, described in part the following lands: T. 3 N., R. 27 E., sec. 4, unnumbered lots in NW 1/4 NW 1/4 and NW 1/4 NE 1/4, S 1/2 NW 1/4, SW 1/4 (W 1/2), Willamette meridian, Oregon. BLM rejected the offer as to sec. 4, NW 1/4 NE 1/4 and issued a lease which included T. 3 N., R. 27 E., sec. 4 W 1/2, Willamette meridian.

[1] The pertinent regulation, 43 CFR 3101.1-4(a), states "Surveyed Lands. If the lands have been surveyed under the public land rectangular system, each offer must describe the lands by legal subdivisions, section, township, and range." The Hawthorn lease offer does this. The purpose of the regulation is to require the offeror to give a description which is at least sufficient on its face to delineate the land applied for. Milan S. Papulak, 63 IBLA 16 (1982); Charles J. Babington, 71 I.D. 110, 113 (1964). Apparently, BLM found no ambiguity in the Hawthorn description, and was able to determine which lands Hawthorn sought, and to issue an appropriate lease in response. Having thus issued the lease to Hawthorn, BLM properly rejected appellant's lease offer.

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.

Gail M. Frazier  
Administrative Judge

We concur:

Edward W. Stuebing  
Administrative Judge

C. Randall Grant, Jr.  
Administrative Judge

