

Appeal from decision of New Mexico State Office, Bureau of Land Management, rejecting oil and gas lease application. NM 47012.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings -- Oil and Gas Leases: Applications: Filing -- Oil and Gas Leases: First-Qualified Applicant -- Oil and Gas Leases: Noncompetitive Leases

A simultaneous oil and gas lease application is properly rejected where the executed lease forms and the first year's rental payment were not received by BLM within 30 days from the receipt of notice.

APPEARANCES: Thomas E. Lewis, pro se.

OPINION BY ADMINISTRATIVE JUDGE FRAZIER

Thomas E. Lewis has appealed from a decision of the New Mexico State Office, Bureau of Land Management (BLM), dated February 24, 1982, rejecting simultaneous oil and gas lease application, NM 47012, which received first priority for parcel NM 590 in the August 19, 1981, drawing. BLM rejected the application because the reply to the additional evidence required decision, executed lease agreement, and rental were not filed within 30 days from the date of receipt of the notices as required by 43 CFR 3112.4-1(a). That regulation provides, in pertinent part: "The executed lease agreement and the applicant's rental payment shall be filed in the proper Bureau of Land Management office within 30 days from the date of receipt of notice. Timely receipt of the properly signed lease and rental constitutes the applicant's offer to lease."

[1] A decision dated December 29, 1981, requesting additional evidence and lease forms and stipulations for execution and request for first year's rental were received by appellant on January 2, 1982. The executed submissions and rental payment were received by BLM on February 19, 1982, 18 days after the due date. Therefore, BLM properly rejected appellant's application

in accordance with 43 CFR 3112.6-1(d), which provides that the application of the first-qualified applicant shall be rejected if an offer is not filed in accordance with 43 CFR 3112.4-1.

In his statement of reasons appellant argues that rejection of his offer for failure to comply with the 30-day deadline is unreasonable. He explains that he completed the forms in mid-January but was not certain he had responded properly to one of the questions and therefore had intended to deliver the forms in person to insure that the question was properly answered but the following week, the demands of his position in the legislature were so great that he simply "forgot to return the forms by February 2."

Under the provisions of 43 CFR 3112.4-1(a), the executed lease agreement and first year's rental payment must be filed in the proper BLM office within 30 days from the date of receipt of notice. BLM may not accept the forms and rental payment after the 30-day period because the rights of the second- and third-qualified applicants have intervened. Ballard E. Spencer Trust, Inc., 18 IBLA 25 (1974), aff'd, Ballard E. Spencer Trust, Inc. v. Morton, 544 F.2d 1067 (10th Cir. 1976). Strict compliance with the above regulation is mandatory, in order to ensure fairness and uniformity to all applicants in the simultaneous drawing. Warren R. Haas, 66 IBLA 107 (1982).

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:

Anne Poindexter Lewis
Administrative Judge

Will A. Irwin
Administrative Judge

